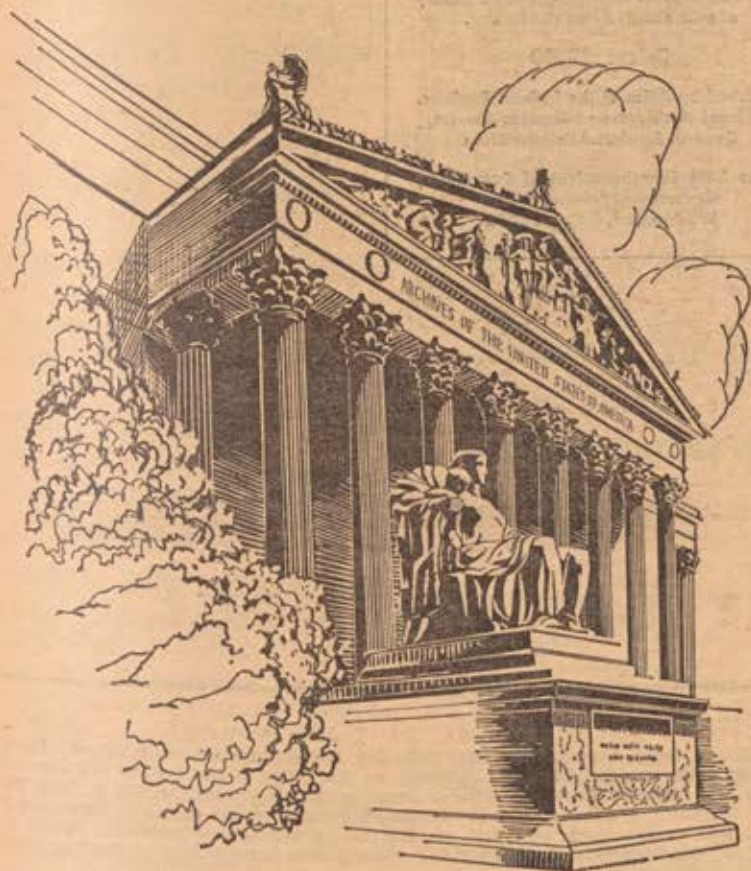


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AT LARGE**

[88th Cong., 1st Sess.]

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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Office of Emergency Planning

Section 213.3326 is amended to show the exception under Schedule C of the position of Secretary to the Deputy Director. Effective upon publication in the FEDERAL REGISTER, subparagraph (2) is added to paragraph (b) of § 213.3326 as set out below.

§ 213.3326 Office of Emergency Planning.

(b) Office of the Deputy Director.

(2) One Secretary to the Deputy Director.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633; E.O. 10577, 19 F.R. 7521; 3 CFR, 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] MARY V. WENZEL,
Executive Assistant to
the Commissioners.

[F.R. Doc. 65-2197; Filed, Mar. 2, 1965; 8:48 a.m.]

Title 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 408—NORTH CAROLINA APPLE CROP INSURANCE

Subpart—Regulations for the 1965 and Succeeding Crop Years

Correction

In F.R. Doc. 65-1800, appearing at page 2303 of the issue for Saturday, February 20, 1965, the last word of item 16 of the application and policy in § 408.6 should read "hereof" instead of "thereof".

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 814.3, Amdt. 2]

PART 814—ALLOTMENT OF SUGAR QUOTAS, MAINLAND CANE SUGAR AREA, 1965

Basis and purpose. This amendment is issued under section 205(a) of the Sugar Act of 1948, as amended (61 Stat. 922), hereinafter called the "Act", for the purpose of amending Sugar Regula-

tion 814.3 (30 F.R. 207 and 1030) which established preliminary allotments for the Mainland Cane Sugar Area for the calendar year 1965.

This amendment is necessary to revise allotments to reflect more up-to-date estimates of 1964 crop sugar available for marketing in 1965 on the basis of data which have become a part of the official records of the Department.

Effective date. Allotments established in this order for several processors are larger than the allotments established in S.R. 814.3 (30 F.R. 1030). To afford adequate opportunity to plan and to market the additional quantities of sugar in an orderly manner, it is imperative that this amendment become effective as soon as possible. Accordingly, it is hereby found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and consequently, this amendment shall be effective on February 28, 1965.

In accordance with paragraph (12) of the findings and conclusions set forth in Federal Register Document 65-220 (30 F.R. 207), and pursuant to paragraph (e) of § 814.3, paragraph (8) of such findings and conclusions is amended to read as follows:

(8) The allotments of the 1964 quota and the estimated quantities of 1964 crop sugar available for marketing in 1965 prior to March 15, 1965, are set forth in the following table:

[Short tons, raw value]

Processors	1964 allotments (S.R. 814.3) (29 F.R. 14163)	1964 crop sugar available for marketing in 1965 prior to Mar. 15, 1965
Albania Sugar Co.	11,813	0
Alma Plantation, Ltd.	10,421	0
J. Aron & Co., Inc.	16,322	536
Billeaud Sugar Factory	9,280	2,826
Breaux Bridge Sugar Coop.	8,532	2,115
Wm. T. Burton Industries, Inc.	8,008	5,686
Caire & Graunard	6,164	1,102
Cajun Sugar Coop., Inc.	18,444	18,444
Caldwell Sugars Coop., Inc.	16,241	0
Catherine Sugar Co., Inc.	4,338	1,904
Columbia Sugar Co.	8,441	633
Cora-Texas Manufacturing Co., Inc.	7,167	3,707
Dugas & LeBlanc, Ltd.	15,428	0
Dube & Bourgeois Sugar Co.	12,491	0
Erath Sugar Co., Ltd.	8,559	1,561
Evan Hall Sugar Coop., Inc.	25,334	0
Frisco Cane Co., Inc.	2,811	749
Glenwood Coop., Inc.	17,552	0
Helvetia Sugar Coop., Inc.	12,798	81
Iberia Sugar Coop., Inc.	20,471	5,589
LaFourche Sugar Co.	20,498	0
Harry L. Laws & Co., Inc.	10,557	4,651
Lever-St. John, Inc.	15,049	1,092
Louisa Coop.	12,003	1,762
Louisiana State Pen.	2,657	82
Louisiana State University	160	0
Meeker Sugar Coop., Inc.	8,153	7,804
Milliken & Farwell, Inc.	14,162	65
M. A. Patout & Son, Ltd.	15,907	771
Poplar Grove Pkg. & Ref. Co.	9,969	2,323
Reserve Sugar Co.	4,181	4,181
Saville Industries	16,106	0
St. James Sugar Coop., Inc.	16,003	8,344
St. Mary Sugar Coop., Inc.	15,772	0
South Coast Corp.	77,492	60,838

[Short tons, raw value]

Processors	1964 allotments (S.R. 814.3) (29 F.R. 14163)	1964 crop sugar available for marketing in 1965 prior to Mar. 15, 1965
Southdown, Inc.	48,435	16,938
Sterling Sugars, Inc.	29,211	912
J. Supple's Sons Pkg. Co., Inc.	6,146	1,404
Valentine Sugars, Inc.	14,967	4,371
Vida Sugars, Inc.	6,209	309
A. Wilbert's Sons Lbr. & Sh. Co.	10,909	0
Young's Industries, Inc.	7,701	3,264
Louisiana, subtotal	383,217	164,644
Atlantic Sugar Assn.		26,000
Florida Sugar Corp.	9,635	12,700
Clades Co. Su. Gr. Coop. Ass'n.	20,120	35,301
Okeelanta Sugar Rty., Inc.	52,304	77,134
Osceola Farms Co.	20,823	41,863
South Florida Sugar Co., Inc.	3,435	12,000
Sugarcane Gr. Coop. of Florida	58,043	80,000
Talman Sugar Corp.	3,121	26,000
U.S. Sugar Corp.	162,712	210,772
Florida, subtotal	330,193	521,770
Total, all mainland cane	911,410	686,414

Pursuant to the provisions of section 205(a) of the Act and in accordance with paragraph (e) of § 814.3 of this chapter, paragraph (a) of such § 814.3 is amended to read as follows:

§ 814.3 Allotment of the 1965 sugar quota for the mainland cane sugar area.

(a) Allotments. For the period January 1, 1965, until the date allotments of the entire 1965 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed on the basis of a subsequent hearing, the 1965 quota for the Mainland Cane Sugar Area is hereby allotted to the extent shown in this section, to the following processors in the quantities which appear opposite their respective names:

Processors	Allotments, short tons, raw value
Albania Sugar Co.	5,906
Alma Plantation, Ltd.	5,210
J. Aron & Co., Inc.	8,161
Billeaud Sugar Factory	4,790
Breaux Bridge Sugar Coop.	4,266
Wm. T. Burton Ind., Inc.	4,049
Caire & Graunard	3,082
Cajun Sugar Coop., Inc.	11,527
Caldwell Sugars Coop., Inc.	8,120
Catherine Sugar Co.	2,169
Columbia Sugar Co.	4,220
Cora-Texas Mfg. Co., Inc.	3,584
Dugas & LeBlanc, Ltd.	7,714
Dube & Bourgeois Sugar Co.	6,246
Erath Sugar Co., Ltd.	4,280
Evan Hall Sugar Coop., Inc.	12,667
Frisco Cane Co., Inc.	1,406
Glenwood Coop., Inc.	8,776
Helvetia Sugar Coop., Inc.	6,399
Iberia Sugar Coop., Inc.	10,236
LaFourche Sugar Co.	10,249
Harry L. Laws & Co., Inc.	5,278
Lever-St. John, Inc.	7,524
Louisa Coop.	6,002
Louisiana State Pen.	1,328
Louisiana State Univ.	75
Meeker Sugar Coop., Inc.	4,878
Milliken & Farwell, Inc.	7,081

Processors	Allotments, short tons, raw value
M. A. Patout & Son, Ltd.	7,954
Poplar Grove Ptg. & Ref. Co.	4,984
Reserve Sugar Co., Inc.	2,613
Savoie Industries	8,053
St. James Sugar Corp., Inc.	8,302
St. Mary Sugar Corp., Inc.	7,886
South Coast Corp.	38,746
Southdown, Inc.	24,218
Sterling Sugars, Inc.	14,606
J. Supple's Sons Ptg. Co., Inc.	3,073
Valentine Sugars, Inc.	7,484
Vida Sugars, Inc.	3,104
A. Wilbert's Sons Lbr. & Sh. Co.	5,454
Young's Industries, Inc.	3,850
Louisiana, Subtotal	305,550
Atlantic Sugar Association	16,250
Florida Sugar Corp.	7,938
Glades Co. Su. Gr. Coop. Ass'n.	22,063
Okeelanta Sugar Rfy., Inc.	48,209
Osceola Farms Co.	26,164
South Florida Sugar Co., Inc.	7,500
Sugarcane Gr. Coop. of Fla.	50,000
Talisman Sugar Corp.	16,250
U.S. Sugar Corp.	131,733
Florida, Subtotal	326,107
Total, all mainland cane	631,657

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153, Interpretations or applies secs. 205, 209; 61 Stat. 926, as amended, 928; 7 U.S.C. 1115, 1119)

Issued at Washington, D.C., this 26th day of February 1965.

H. D. GODFREY,
Administrator, Agricultural Sta-
bilization and Conservation
Service.

[P.R. Doc. 65-2198; Filed, Feb. 26, 1965;
4:23 p.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Changes in Areas Quarantined

Pursuant to the provisions of sections 1 and 3 of the Act of March 3, 1905, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 7 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 117, 120, 123, 125), paragraph (g) of § 72.5, Part 72, Title 9, Code of Federal Regulations, which paragraph relates to the quarantine of a portion of Texas because of splenetic or tick fever in cattle, a contagious, infectious, and communicable disease, is hereby amended to read, as follows:

§ 72.5 Areas quarantined in Texas.

(g) That portion of Hidalgo County lying south and west of the following described line:

Beginning at a point where U.S. Highway 83 intersects the Starr-Hidalgo County line and following the north side of U.S. Highway 83 right-of-way in an easterly direction to the east fence of the Sam Fordyce Ranch, approximately 4 miles; thence, crossing U.S. Highway 83, following the east fence of the Sam Fordyce Ranch in a southerly direction to the Old Military Road, approximately ½ mile; thence, crossing the Old Military Road and following the west double fence of the Crow Gravel Pit pasture in a southerly direction to the southwest corner of this pasture, approximately ¾ mile; thence, following the south double fence of the Crow Gravel Pit Pasture in an easterly direction to the south-east corner of the same, approximately ¼ mile; thence, following the east double fence of the Crow Gravel Pit Pasture in a northerly direction to where it intersects the Old Military Road, approximately ¼ mile; thence, following the Old Military Road in an easterly direction to where it intersects the ISWC levee, approximately 4½ miles; thence, following the ISWC levee in a southeasterly direction to where it intersects the Old Military Road, approximately 8½ miles; thence, following the Old Military Road in an easterly direction to where it joins F. M. Road No. 1016, at Nadaro, approximately 1½ miles; thence, following F. M. Road No. 1016 in a southeasterly direction to where it joins the Old Military Road, approximately 1 mile; thence, following the Old Military Road in a southeasterly direction to the North Granjeno Road, approximately 1¼ miles; thence, following the North Granjeno Road in an easterly direction to where it intersects Shary Road, approximately ¾ mile; thence, south on Shary Road to where it intersects the Old Military Road, approximately 50 yards; thence, following the Old Military Road in an easterly direction to where it joins the M. P. Railroad, approximately 1½ miles; thence, following the M. P. Railroad in a southerly direction to where it crosses F. M. Road No. 1926 and continuing along the M. P. Railroad in an easterly direction to the end of the same at F. M. Road No. 336, approximately 2½ miles; thence, following F. M. Road No. 336 in a southerly direction to where it intersects U.S. Highway 281, approximately ¾ mile; thence, following U.S. Highway 281 in an easterly direction to where it intersects the Hidalgo-Cameron County line, approximately 24¼ miles.

(Sec. 2, 32 Stat. 792, Ch. 30, 45 Stat. 59; 21 U.S.C. 111. Interpretations or applies secs. 4, 5, 7, 23 Stat. 32, as amended, sec. 1, 32 Stat. 791, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U.S.C. 120, 117, 112, 113, 123, 125)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment excludes certain portions of Hidalgo County in Texas from the area quarantined because of splenetic or tick fever. Hereafter, the restrictions pertaining to the interstate movement of certain animals and materials from such quarantined area, contained in 9 CFR Part 72, will not apply thereto. However, the other restrictions on the interstate movement of certain animals and materials because of that disease, contained in said Part 72, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Ac-

cordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 26th day of February 1965.

GEORGE W. IRVING, Jr.,
Acting Administrator,
Agricultural Research Service.

[P.R. Doc. 65-2213; Filed, Mar. 2, 1965;
8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Agency

[Airspace Docket No. 63-AL-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On December 12, 1964, a notice of proposed rule making was published in the FEDERAL REGISTER (29 F.R. 17044) stating that the Federal Aviation Agency proposed to alter the control zone at Big Delta, Alaska.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable. However, the U.S. Army, Alaska, noted that the airport was not correctly identified with respect to location and place name. The Federal Aviation Agency agrees that the airport should appropriately be referred to as Big Delta Army Airfield, Fort Greely, Alaska. The rule herein reflects that change.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., April 29, 1965, as hereinafter set forth.

In § 71.171 (29 F.R. 17586), the Big Delta, Alaska, Control Zone is amended to read:

BIG DELTA, ALASKA

Within a 5-mile radius of the Big Delta AAP, Fort Greely, Alaska (latitude 64°00' N., longitude 145°43' W.), and within 2 miles each side of the Big Delta RR NE and NW courses, extending from the 5-mile radius zone to 8 miles NE and 9½ miles NW of the RR; within 2 miles each side of the Big Delta VOR 040° and 315° radials, extending from the 5-mile radius zone to 8 miles NE and 10 miles NW of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Anchorage, Alaska, on February 18, 1965.

JAMES G. ROGERS,
Director, Alaskan Region.

[P.R. Doc. 65-2157; Filed, Mar. 2, 1965;
8:45 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

[Reg. 4, Amdt.]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950—)

Subpart M—Coverage of Employees of State and Local Governments Time Limitation on Assessments, Credits or Refunds

TIME LIMITATIONS AND ASSESSMENTS

Regulations No. 4, as amended, of the Social Security Administration (20 CFR 404.1 et seq.) are further amended as follows:

1. Subpart M of Part 404 is amended by adding §§ 404.1280-404.1287 and § 404.1290 immediately following § 404.1277 to read as follows:

§ 404.1280 Time limitations on assessments.

(a) *In general.* A State shall be liable for an amount due under an agreement pursuant to section 218 of the Act (including contributions and interest accruing thereon), until the Secretary is satisfied that such amount has been paid to the Secretary of the Treasury; except that the State shall not be so liable unless an assessment of the amount due is made by the Secretary before the expiration of the applicable periods of limitation. An assessment is defined in § 404.1270(b), and is made when the Secretary mails or otherwise delivers it to the State. A notification to a State that there is an amount due by such State issued prior to 1962 shall not constitute an assessment for purposes of this section unless the Secretary makes an assessment of the amount due on or after January 1, 1962.

(b) *Periods of limitation.* Subject to the exceptions set forth in §§ 404.1281-404.1283, inclusive, a State shall not be liable for an amount due under an agreement unless the Secretary makes an assessment for the amount due before the expiration of the latest of the following periods:

(1) 3 years, 3 months, and 15 days after the year in which the wages, upon which the amount became due under the agreement, were paid; or

(2) 3 years after the date on which such amount became due (see § 404.1255 for time for filing contribution returns); or

(3) 3 years, 3 months, and 15 days after 1961 (April 15, 1965).

§ 404.1281 Exceptions to the periods of limitation.

(a) *Extension by agreement.* The time periods described in § 404.1280 for assessment of an amount due may, before the expiration of such periods (or of any previous extension thereof), be extended by written agreement between the State and the Secretary subject to conditions agreed upon, such as whether the extension shall be applicable to all individuals performing services in the

coverage group and in the calendar quarters covered by the agreement. Such an extension of the time shall not become effective until the agreement is signed by the Secretary. (See § 404.3(c) for applicable rule where periods of limitation expire on nonwork days.) An assessment made by the Secretary before the expiration of such extended period of time will be deemed to be made within the time period limitation specified in section 218(j)(2) of the Act. (See § 404.1280(b).)

(b) *The 365-day period.* If a report is filed by the State within the 365-day period immediately preceding the expiration of the applicable time period as set out in § 404.1280 (or as extended pursuant to paragraph (a) of this section), with respect to which no payment is made or with respect to which the State pays less than the correct amount due, the Secretary will be deemed to have assessed the amount due within such period of limitation specified in § 404.1280 provided he makes the assessment no later than the 365th day after the day the State makes payment to the Secretary of the Treasury. Such assessment may be made only with respect to amounts due on wages paid to individuals as members of such coverage groups and for such calendar quarters as were included in such report. In making such assessment, the Secretary shall credit the amount paid by the State with respect to such individuals in such coverage groups for such calendar quarters. After the State pays the amount of the assessment, no further assessment of contributions shall be made with respect to such individuals in such coverage groups for such calendar quarters after the period specified in § 404.1280 or as extended pursuant to paragraph (a) of this section.

(c) *Revision of employee's earnings record.* If the Secretary pursuant to section 205(c)(5) (A) or (B) of the Act credits wages paid to an individual as a member of a coverage group to an individual's record of earnings, an assessment of the amount due with respect to such wages will be deemed to have been made within the applicable period specified in § 404.1280 provided that the assessment does not exceed the amount due with respect to such wages and that the assessment is made no later than the latest date on which such wages could be credited to the individual's earnings record. (See § 404.806 (a) and (b) which describe the time limitation for the crediting or deleting of wages to an earnings record where an application has been made for benefits or a request has been made by an individual for correction of his earnings record.)

(d) *Underpayment resulting from credit.* If a credit or refund of an overpayment is allowed a State with respect to wages paid or alleged to have been paid to an individual in a calendar year for services as a member of a coverage group and the facts on which such allowance is based establish that contributions are due with respect to wages paid to such individual for such calendar year for services performed as a member of a coverage group, an assessment may be

made notwithstanding the periods of limitation in § 404.1280 provided that assessment of contributions due is made at the time of or prior to notification to the State of allowance of the credit or refund. The Secretary may reduce the amount of the credit or refund to the State by the amount due and notify the State accordingly. An assessment of amounts due for purposes of this subparagraph shall include contributions but shall not include interest as provided in section 218(j) of the Act. (See § 404.1226 relating to interest.)

Example: The State files Form OAR-S4 timely to correct an error in the amount reported as wages to the employee. The correction reduces the employee's wage credits for the year to an amount less than the maximum creditable. The employee had other earnings in the same year not reported because of the previous reported maximum amounts. The applicable time period for assessing contributions on wages for the year has expired before the credit was allowed. The Secretary may assess for contributions due provided the assessment is made no later than the allowance of the credit.

(e) *Evasion of payment of amounts due.* An assessment of an amount due under an agreement may be made at any time and without regard to the periods of limitation described in § 404.1280 where the failure on the part of the State to pay such amount was the result of a fraudulent attempt by an officer or employee of the State or a political subdivision thereof to defeat or evade payment of such amount.

§ 404.1282 Payment after expiration of periods of limitation for assessment.

The Secretary shall accept wage reports filed by a State to include wages paid to individuals performing services as employees in a coverage group notwithstanding the expiration of the applicable time period described in § 404.1280 (or such period as extended in accordance with § 404.1281): *Provided:*

(a) The State pays the Secretary of the Treasury the amount due with respect to such wages; and

(b) The State agrees in writing with the Secretary to extend such time period for all employees in the coverage group in the calendar quarters for which the wage reports are being made.

In this event, such time period for assessment is extended until the Secretary notifies the State that such wage reports are accepted. Where pursuant to an agreement with the Secretary in accordance with this section, amounts are paid by the State, such amounts shall not include interest as otherwise provided for in section 218(j) of the Act. (See § 404.1226 relating to the payment of interest.)

§ 404.1283 Assessment of interest.

Where a State pays the amounts assessed at such times or under such conditions that interest becomes due, an assessment for the amount of such interest may be made notwithstanding the periods of limitation described in § 404.1280.

§ 404.1284 Collection after assessment.

Where an assessment of an amount due has been made within the time period applicable thereto, there shall be no time limitation on the collection of the amount due.

§ 404.1285 Time limitations on credits or refunds.

(a) *In general.* No credit or refund of an overpayment of amounts paid under an agreement pursuant to section 218 of the Act by a State shall be allowed unless a claim for such credit or refund is filed by the State with the Secretary before the expiration of the period of limitation applicable thereto. A claim for credit or refund made by a State in accordance with the applicable provisions of these regulations is deemed to have been filed with the Secretary when delivered to the Secretary, or when mailed to the Secretary if the date of the postmark on the envelope in which such request is mailed falls within the prescribed period. (See § 404.3(c) for applicable rule where periods of limitation expire on nonwork days.)

(b) *Overpayment defined.* An overpayment is a payment of more than the correct amount of contributions, interest, or both with respect to wages paid an individual as a member of a coverage group during one or more calendar quarters. An overpayment may be due to (1) an over-reporting of the amount of wages paid to an individual, (2) an erroneous computation of contributions, or (3) an amount paid for wages reported after expiration of the periods of limitation in § 404.1280 (or as extended under § 404.1281) if not paid pursuant to § 404.1282.

(c) *Periods of limitation.* Subject to the exceptions set forth in § 404.1286, claim for credit or refund of an overpayment must be filed by the State before the expiration of the latest of the following periods:

(1) 3 years, 3 months, and 15 days after the year which includes the calendar quarter in which the wages were paid or alleged to have been paid with respect to which the overpayment occurred; or

(2) 3 years after the due date of the payment which included the overpayment; or

(3) 2 years after the overpayment was made to the Secretary of the Treasury; or

(4) 3 years, 3 months, and 15 days after 1961 (April 15, 1965).

§ 404.1286 Exceptions to the periods of limitation.

(a) *Extension by agreement.* The applicable time period as described in § 404.1285 for filing a claim for credit or refund of an overpayment may, before the expiration of such period (or of any previous extension thereof) be extended by written agreement between the State and the Secretary subject to such conditions as are agreed upon. The extension of the period of limitation shall not become effective until the agreement is signed by the Secretary. (See § 404.3(c) for applicable rule where the periods of limitation expire on nonfarm days.) A claim for credit or refund filed by the

State prior to the expiration of such extended period will be deemed to be made within the periods of limitation described in § 404.1285.

(b) *Revision of employee's earnings record.* If the Secretary, pursuant to the provisions of section 205(c)(5)(A), (B), or (E) of the Act, deletes from his records an entry with respect to an individual as a member of a coverage group, a claim for credit or refund of the overpayment resulting from such deletion will be deemed to have been made within the periods of limitation prescribed in § 404.1285 provided such claim is filed before the individual's earnings record with respect to such deletion becomes final. (See § 404.806(a), (b), and (e).) Section 404.806(e) relates to the revision of earnings records after the expiration of the time limitation where an entry on the record is erroneous as a result of fraud.)

§ 404.1287 Allowance of a credit or refund.

An allowance of a credit or refund of an overpayment to a State made as the result of a determination by the Department shall be subject to the periods of limitation in § 404.1285 (or as extended under § 404.1286).

§ 404.1290 Secretary defined.

Unless otherwise specified or unless the context otherwise requires, the term "Secretary" as used in this subpart shall mean the Secretary of Health, Education, and Welfare or his duly authorized delegate.

(Secs. 205, 218, and 1102 of the Social Security Act 53 Stat. 1369, as amended, 64 Stat. 514, as amended, 49 Stat. 647, as amended; section 5 of Reorganization Plan No. 1 of 1953, 67 Stat. 18, 631; 42 U.S.C. 404, 418, and 1302)

2. *Effective date.* The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER.

Dated: February 11, 1965.

[SEAL] ROBERT M. BALL,
Commissioner of Social Security.

Approved: February 24, 1965.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education,
and Welfare.

[F.R. Doc. 65-2199; Filed, Mar. 2, 1965;
8:48 a.m.]

Title 21—FOOD AND DRUGS**Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare****SUBCHAPTER B—FOOD AND FOOD PRODUCTS****PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES****Fees**

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 408, 701, 68 Stat. 511,

52 Stat. 1055, as amended; 21 U.S.C. 346a, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90) the general regulations for tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities are amended to provide for an increase in fees by changing § 120.33 Fees as follows:

1. In paragraph (a), the figures "\$2,750" and "\$275" are changed to read "\$3,000" and "\$300", respectively.

2. In paragraph (b), the figures "\$4,125" and "\$275" are changed to read "\$4,500" and "\$300", respectively.

3. In paragraph (c) the figure "\$275" is changed to read "\$300" in two places.

4. In paragraph (d), the figure "\$2,750" in the introduction to the paragraph is changed to read "\$3,000", and in subparagraph (2) the figure "\$275" is changed to read "\$300", in two places.

5. In paragraph (e), the figure "\$275" is changed to read "\$300" in two places.

6. In paragraph (f), the figure "\$825" is changed to read "\$900".

7. In paragraph (g), the figure "\$825" is changed to read "\$900".

8. In paragraph (h), the figure "\$275" is changed to read "\$300".

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the increase in fees is necessary to cover the cost of processing petitions and requests for establishing tolerances or exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities, as provided by section 408(o) of the Federal Food, Drug, and Cosmetic Act.

Effective date. This order shall become effective March 15, 1965.

(Sec. 408(o), 68 Stat. 511, as amended; 21 U.S.C. 346a(o))

Dated: February 26, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-2256; Filed, Mar. 2, 1965;
8:49 a.m.]

PART 121—FOOD ADDITIVES**Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food Producing Animals****DIENESTROL DIACETATE****Correction**

In F.R. Doc. 65-1931, appearing at page 2429 of the issue for Thursday, February 25, 1965, the following correction is made in § 121.266(a): The matter enclosed in parentheses should read "(p-acetoxypheyl)" instead of "(p-acetoxypheyl)".

SUBCHAPTER C—DRUGS**PART 146—ANTIBIOTIC DRUGS; PROCEDURAL REGULATIONS****Changes in Fees**

Since the fee schedule to cover the cost of certification of antibiotic and antibiotic-containing drugs was adjusted in 1961, several developments have served

to increase the cost of this service. Therefore, it is necessary to revise the fee schedule to provide for these increased costs.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507(b)(5), 59 Stat. 463 as amended; 21 U.S.C. 357(b)(5) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 2.90), section 146.8(b) is amended by changing the words "30 percent" to "60 percent." As amended, this paragraph reads as follows:

§ 146.8 Fees.

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, including those published hereafter, is the fee prescribed in the section relating specifically to such drug plus an additional 60 percent of whatever that fee may be, except that in the case of a supplemental request submitted pursuant to the provisions of § 144.3 of this chapter, the fee shall be \$3.00.

Notice and public procedure and delayed effective date are not necessary prerequisites to the promulgation of this order, and I so find, since the increase in fees set forth is necessary in order to provide, equip, and maintain an adequate certification service for antibiotic and antibiotic-containing drugs.

Effective date. This order shall become effective March 15, 1965.

(Sec. 507(b)(5), 59 Stat. 463 as amended; 21 U.S.C. 357(b)(5))

Dated: February 26, 1965.

GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 65-2255; Filed, Mar. 2, 1965; 8:49 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 17—MEDICAL

Outpatient Treatment and Examination

In § 17.60, paragraph (c) is added to read as follows:

§ 17.60 Outpatient treatment and examination.

(c) Veterans of World War I, World War II, and the Korean conflict, who are receiving increased pension under section 521(d) of title 38, United States Code, based on need of regular aid and attendance, may be furnished drugs or medicines ordered on prescription of a duly licensed physician as specific therapy in the treatment of illnesses or injuries suffered by such veterans. Necessary drugs and medicines under this paragraph will be provided by Veterans

Administration pharmacies on prescription of a doctor of medicine or osteopathy who is licensed to practice his profession and to prescribe drugs and medicines in a State, Territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico. In the State of Alaska, the Territories or possessions where there are no Veterans Administration pharmacies, necessary drugs and medicines may be furnished on a reimbursement basis.

(72 Stat. 1114; 38 U.S.C. 210; sec. 8, Pub. Law 88-664)

This VA Regulation is effective April 1, 1965.

By direction of the Administrator.

Approved: February 25, 1965.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-2185; Filed, Mar. 2, 1965; 8:47 a.m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart A—Education and Training of World War II Veterans and Vocational Rehabilitation Under 38 U.S.C. Chapter 31

MISCELLANEOUS AMENDMENTS

1. In § 21.252(a)(3)(i), (b) is amended to read as follows:

§ 21.252 Change of employment objective.

- (a) * * *
- (3) * * *
- (i) * * *

(b) The change of objective is approved by a committee composed of the Chief of Vocational Counseling, Training and Adjustment, a counselor and a vocational rehabilitation specialist; or

2. In § 21.253, paragraph (a)(1) is amended to read as follows:

§ 21.253 Additional considerations incident to supervision.

(a) Medical services for veterans pursuing vocational rehabilitation training. (1) A veteran who has been found in need of vocational rehabilitation and for whom an objective has been selected, or who is pursuing a course of vocational rehabilitation training, is entitled to such of the following kinds of treatment as may be medically determined necessary to make possible his entrance into a course of training, or to prevent interruption of a course of training, or to hasten the return to a course of training of a veteran in interrupted or leave status when a cessation of instruction has become necessary because of illness or injury.

- (i) Emergency hospitalization;
- (ii) Hospital observation and physical examination;
- (iii) Hospital treatment;
- (iv) Outpatient treatment; and
- (v) Furnishing and repair of orthopedic and/or prosthetic appliances.

(72 Stat. 1114; 38 U.S.C. 210)

These VA Regulations are effective the date of approval.

By direction of the Administrator.

Approved: February 25, 1965.

[SEAL] CYRIL F. BRICKFIELD,
Deputy Administrator.

[F.R. Doc. 65-2186; Filed, Mar. 2, 1965; 8:47 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 65-139]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

PART 97—AMATEUR RADIO SERVICE

Aliens; Operation of Amateur Radio Stations in United States

In the matter of amendment of Parts 0, 1, and 97 of the Commission's rules to implement the provisions of Public Law 88-313.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 24th day of February, 1965.

The Commission having under consideration Public Law 88-313, approved May 28, 1964, which amended sections 303(i) and 310(a) of the Communications Act of 1934, as amended, to provide for the issuance of an authorization, under such conditions and terms as the Commission may prescribe, to permit an alien licensed by his government as an amateur radio operator to operate his amateur radio station licensed by his government in the United States, its possessions, and the Commonwealth of Puerto Rico provided there is in effect a bilateral agreement between the United States and the alien's government for such operation by United States amateurs on a reciprocal basis; and

It appearing, that rules implementing Public Law 88-313 should be adopted; and

It further appearing, that authority for the issuance of the rules herein adopted is contained in section 4(i), 303, and 310(a) of the Communications Act of 1934, amended; and

It further appearing, that the rules adopted herein are pursuant to Public Law 88-313, involve interpretative rules and rules of agency practices and procedures, and that the public notice and effective date provisions of section 4 of the Administrative Procedure Act are not applicable;

It is ordered, Effective March 29, 1965, that Parts 0, 1, and 97 of the Commission's rules are amended as set forth below, and FCC Form 610-A is adopted.

(Secs. 4, 303, 310, 48 Stat. 1066, 1062, 1066, as amended; 47 U.S.C. 154, 303, 310)

Released: February 25, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

1. Section 0.332, paragraph (1) is added to read as follows:

§ 0.332 Additional authority delegated.

(1) To grant or deny applications for permits and to modify, suspend, or cancel such permits, pursuant to Subpart G, Part 97 of this chapter.

2. Section 1.911, paragraph (e) is added to read as follows:

§ 1.911 Applications required.

(e) An alien amateur desiring to operate in the United States under provisions of sections 303(1)(2) and 310(a) of the Communications Act of 1934, as amended, and under the terms of a bilateral agreement in force between his country and the United States concluded pursuant to the provisions of Public Law 88-313, shall make application on FCC Form 610-A,¹ which shall be filed with the Secretary, Federal Communications Commission, Washington, D.C., 20554. Forms may be obtained from the Secretary, any field office of the Commission and, in some instances, from United States missions abroad.

§ 1.922 [Amended]

3. In § 1.922, the following form number and title are added in the proper numerical sequence:

610-A Application of Alien Amateur Radio Licensee for Permit to Operate in the United States.

4. Part 97 is amended by adding new Subpart G, as follows:

Subpart G—Operation of Amateur Radio Stations in the United States by Aliens

Sec.	
97.301	Basis, purpose, and scope.
97.303	Permit required.
97.305	Application for permit.
97.307	Issuance of permit.
97.309	Modification, suspension, or cancellation of permit.
97.311	Operating conditions.
97.313	Station identification.

AUTHORITY: The provisions of this Subpart G issued under secs. 4, 303, 310, 48 Stat. 1086, 1082, 1086, as amended; 47 U.S.C. 154, 303, 310.

Subpart G—Operation of Amateur Radio Stations in the United States by Aliens

§ 97.301 Basis, purpose, and scope.

(a) The rules in this subpart are based on, and are applicable solely to, alien amateur operations pursuant to section 303(1)(2) and 310(a) of the Communications Act of 1934, as amended. (See Public Law 88-313, 78 Stat. 202.)

(b) The purpose of this subpart is to implement Public Law 88-313 by prescribing the rules under which an alien, who holds an amateur operator and station license issued by his government (hereafter referred to as an alien amateur), may operate an amateur radio station in the United States, in its possessions, and in the Commonwealth of Puerto Rico (hereafter referred to only as the United States).

¹ Form filed as part of original document.

§ 97.303 Permit required.

(a) Before he may operate an amateur radio station in the United States, under the provisions of sections 303(1)(2) and 310(a) of the Communications Act of 1934, as amended, an alien amateur licensee must obtain a permit for such operation from the Federal Communications Commission. A permit for such operation shall be issued only to an alien holding a valid amateur operator and station authorization from his government, and only when there is in effect a bilateral agreement between the United States and that government for such operation on a reciprocal basis by United States amateur radio operators.

§ 97.305 Application for permit.

(a) Application for a permit shall be made on FCC Form 610-A. Form 610-A may be obtained from the Commission's Washington, D.C., office, from any of the Commission's field offices and, in some instances, from United States missions abroad.

(b) The application form shall be completed in full in English and signed by the applicant. A photocopy of the applicant's amateur operator and station license issued by his government shall be filed with the application. The Commission may require the applicant to furnish additional information. The application must be filed by mail or in person with the Federal Communications Commission, Washington, D.C., 20554, U.S.A. To allow sufficient time for processing, the application should be filed at least 60 days before the date on which the applicant desires to commence operation.

§ 97.307 Issuance of permit.

(a) The Commission may issue a permit to an alien amateur under such terms and conditions as it deems appropriate. If a change in the terms of a permit is desired, an application for modification of the permit is required. If operation beyond the expiration date of a permit is desired, an application for renewal of the permit is required. Application for modification or for renewal of a permit shall be filed on FCC Form 610-A.

(b) The Commission, in its discretion, may deny any application for a permit under this subpart. If an application is denied, the applicant will be notified by letter. The applicant may, within 90 days of the mailing of such letter, request the Commission to reconsider its action.

(c) Normally, a permit will be issued to expire 1 year after issuance but in no event after the expiration of the license issued to the alien amateur by his government.

§ 97.309 Modification, suspension, or cancellation of permit.

At any time the Commission may, in its discretion, modify, suspend, or cancel any permit issued under this subpart. In this event, the permittee will be notified of the Commission's action by letter mailed to his mailing address in the United States and the permittee shall comply immediately. A permittee may, within 90 days of the mailing of such letter, request the Commission to reconsider its action. The filing of a request

for reconsideration shall not stay the effectiveness of that action, but the Commission may stay its action on its own motion.

§ 97.311 Operating conditions.

(a) The alien amateur may not under any circumstances begin operation until he has received a permit issued by the Commission.

(b) Operation of an amateur station by an alien amateur under a permit issued by the Commission must comply with all of the following:

(1) The terms of the bilateral agreement between the alien amateur's government and the government of the United States;

(2) The provisions of this subpart and of Subparts A through E of this part;

(3) The operating terms and conditions of the license issued to the alien amateur by his government; and

(4) Any further conditions specified on the permit issued by the Commission.

(c) An alien amateur may operate on dates, at locations, or via an itinerary, significantly different from that specified in the application for his permit only under the condition that he has given advance notice of the particulars of such operation to the Commission in accordance with the requirements of § 97.95(a) or § 97.99(b).

§ 97.313 Station identification.

(a) The alien amateur shall identify his station as follows:

(1) Radiotelegraph operation: The amateur shall transmit the call sign issued to him by the licensing country followed by a slant (/) sign and the United States amateur call sign prefix letter(s) and number appropriate to the location of his station.

(2) Radiotelephone operation: The amateur shall transmit the call sign issued to him by the licensing country followed by the words "fixed", "portable" or "mobile", as appropriate, and the United States amateur call sign prefix letter(s) and number appropriate to the location of his station. The identification shall be made in the English language.

(b) At least once during each contact with another amateur station, the alien amateur shall indicate, in English, the geographical location of his station as nearly as possible by city and State, commonwealth, or possession.

[F.R. Doc. 65-2203; Filed, Mar. 2, 1965; 8:48 a.m.]

[Docket No. 14843; FCC 65-143]

PART 95—CITIZENS RADIO SERVICE

Prohibited Uses; Memorandum Opinion and Order

In the matter of amendment of Part 19 (now Part 95) Citizens Radio Service, to revise Subpart D, Station Operating Requirements, and to make other changes. Docket No. 14843, RM-252, RM-311, RM-312, RM-342, RM-347.

1. The Commission has under consideration its Report and Order (FCC 64-687) released July 29, 1964, in the above-entitled proceeding and the petitions for

reconsideration and/or rehearing filed by the Lafayette Radio Electronics Corp. and Polytronics Laboratories, Inc., jointly; the California Citizens Band Association, Inc.; the National Association for Citizens Band Radio, Inc.; the Kanawha Valley Communications Club, Inc.; the Kyova Citizens Radio Club, Inc.; and by individual citizens radio station licensees. In addition to these six petitions, which were timely filed, there were a number of informal letters and petitions, received by the Commission after the time for filing petitions for reconsideration had expired, both in support of and in opposition to the amendments to Part 95 as adopted in that Report and Order.

2. Briefly summarized, the principal allegations contained in the various documents are that the amendments: (a) are an unconstitutional abridgment of freedom of speech; (b) constitute censorship in violation of section 326 of the Communications Act; (c) are unlawful by reason of their vagueness; (d) are arbitrary, capricious, and not in the public interest, primarily because of the failure to provide for hobby-type operations; (e) are in violation of sections 303 (f) and 316 of the Communications Act since rules § 95.41(d) constitutes a change in frequencies, and rules § 95.91 (b) constitutes a change in the time of operation, during the license term without the hearing required by sections 303 (f) and 316 of the Act; (f) are in violation of the Fifth Amendment to the Constitution in that they deprive licensees of the full use of their property without procedural due process; and (g) are in violation of the Administrative Procedure Act since rule changes were adopted which were not contained in the Notice of Proposed Rule Making in this proceeding.

3. These rule making proceedings, under section 4 of the Administrative Procedure Act, were initiated by the Commission with the issuance of a Notice of Proposed Rule Making, adopted November 14, 1962, which was published in the *FEDERAL REGISTER* on November 22, 1962 (27 F.R. 11500). A period of over 4 months was afforded interested persons to file written comments in support of, or in opposition to, the proposed amendments. Over 2,500 comments, representing many widely divergent views, were received and analyzed by the Commission prior to the adoption of its Report and Order in this proceeding. The authority for the rule changes adopted therein is contained in sections 4(i) and 303, particularly paragraphs (a), (b), (f), and (g), of the Communications Act of 1934, as amended. On September 23, 1964, the Commission, by its Order (FCC 64-878), stayed the originally-scheduled November 1, 1964, effective date of the amendments until 30 days after its action disposing of the petitions now under consideration.

Freedom of speech—Censorship. 4. It is urged that the amendments adopted by the Report and Order, particularly § 95.83, violate licensees' right to "Freedom of Speech", as guaranteed by the First Amendment to the Constitution. It is further urged that § 95.83, and particularly subparagraphs (a) (1) and

(13) thereof, constitutes censorship in violation of section 326 of the Communications Act.¹ One petitioner states that:

The right, we believe, to talk is one given to us by the Constitution. The Communications Act of 1934 says that no man may tell us what to say. That is one of the basic Americanisms, and we desire that this right be restored.

Another petitioner, referring specifically to § 95.83(a) (1)² of the proposed rules, concedes that the Commission has the right to establish classes or categories of communications which may be transmitted on individual frequencies in specific services. However, it argues that:

... while the Commission can establish a category of communication authorized in any service, it cannot regulate the content of the communications which are authorized and it may not under the censorship provisions make value judgments as to the individual communications which may fall within the authorized category.

It is clear ... that the proposed prohibition on communications which are part of a "hobby" or "are intended for diversion" constitutes the attempt to censor personal communications in violation of section 326. It is clear that so long as a communication is a personal communication, it is beyond the power of the Commission to control the contents of the message or to control the motive which stimulates the licensee to transmit the communication ... The purpose for which a licensee communicates with an authorized receiver is beyond the regulatory power of the Commission, so long as it is a genuine communication intended to communicate intelligence to specific persons or a specific station.

With respect to proposed § 95.83(a) (13),³ it is urged that:

... there is no basis for prohibiting the discussion of radio equipment even if the equipment is part of a hobby. The prohibition is a clear violation of section 326 in that it seeks to regulate the content of an otherwise authorized personal communication.

5. After thorough consideration, the Commission has concluded that it cannot adopt the views urged by the petitioners. In consideration of petitioners' arguments, it is appropriate to set out certain background information concerning the various Safety and Special Radio Services, including the Citizens Radio Service. The latter is one of over 40 Safety and Special Radio Services regulated by the Commission. These 40-odd services

represent almost all of the nongovernment use of radio other than Broadcast or Common Carrier. The communications systems provided for are indispensable to present day society and industry. They are essential in providing communications in every conceivable enterprise and activity. Local governmental agencies and departments, transportation complexes, all forms of industry (heavy and light), sales, manufacturing, distribution, and so on, all have keyed many of their processes to the unique communication capabilities of radio. In addition, radio serves many personal and non-business uses.

6. As of July 1, 1964, there were nearly 5 million transmitters licensed to over 1.4 million licensees in the Safety and Special Radio Services. Yet, despite the recognized value of the radiocommunication systems provided for, less than 50 Mc/s of the 865 Mc/s between 25 Mc/s and 890 Mc/s are exclusively available for such radio services. It is manifestly impossible to assign frequencies for the exclusive use of each of the licensees. In order to provide for the widest and most effective use of the limited spectrum space available, channels have not been assigned on an exclusive basis but upon the basis of shared use by individual licensees. All licenses issued are predicated on this principle. This is in striking contrast to the Broadcast Services and most of the Common Carrier radiocommunications services where the privilege of exclusive use of a discrete frequency within a given area may be assigned to a single licensee. Existing requests for the frequency space in the Safety and Special Radio Services, many of them meritorious, far exceed capabilities of the available frequency space. In order to fulfill its statutory obligation generally to encourage the larger and more effective use of radio in the public interest, as the Commission is required to do under section 303(g) of the Act, it has been necessary for the Commission to establish priorities, limit eligibility to hold radio station licenses, and restrict the use of stations in these services to specified purposes and types of communications which will be the most beneficial to the public and assure the most effective uses of this very limited frequency space.

7. Section 303 of the Act sets forth the general powers of the Commission. Among other things, it authorizes the Commission, as the public convenience, interest, or necessity requires, to (a) classify radio stations, and (b) prescribe the nature of the service to be rendered by each class of licensed station and each station within any class. Pursuant to this authority, the Commission has created the various Safety and Special Radio Services; each to fulfill or serve a specific communication need. Thus, for example, the Aviation Radio Service was created to fulfill the radiocommunication needs in controlling air traffic and related aviation needs; the Marine Radio Service to meet the communication needs of ships and vessels; the Police Radio Service to serve law enforcement agencies; the Fire Radio Service to serve fire departments; the Motion Picture Radio

¹ This section provides: "Nothing in this Act shall be understood or construed to give the Commission the power of censorship over the radio communications or signals transmitted by any radio station; and no regulation or condition shall be promulgated or fixed by the Commission which shall interfere with the right of free speech by means of radio communication."

² That section prohibits licensees from "... engaging in radio communications as a hobby or diversion, i.e., operating the radio station as an activity in and of itself."

³ This section prohibits licensees from "... transmitting communications to stations of other licensees which relate to the technical performance, capabilities, or testing of any transmitter or other radio equipment, including transmissions concerning the signal strength or frequency stability of a transmitter, except as necessary to establish or maintain the specific communication."

Service to serve the motion picture industry; the Manufacturers Radio Service to serve manufacturing industries; the Railroad Radio Service to provide radio-communication service for railroads; the Taxicab Radio Service for taxicabs; the Automobile Emergency Radio Service to dispatch expeditiously repair or tow vehicles to disabled automobiles, etc. In each of these categories, both initial eligibility for license and the type of communications permitted are specifically spelled out, defined and limited.

8. A relative newcomer to the services provided for under Commission rules, the Citizens Radio Service was created to provide individuals with a needed communications tool for the transmission of messages which are necessary for the conduct of a business or personal activity. With the intensive use now being made of a very limited radio spectrum, the impossibility of accommodating thousands of potential new users and uses, the continual expressions of urgent need for radio facilities within the services devoted to such important areas as public safety, transportation, large and complex industrial processes and the like, it is unthinkable that the Commission cannot require efficient operational techniques which will limit communications and thus "time on the air" to the extent necessary to accomplish the purpose to be served.

9. In exercising its authority and responsibility to "prescribe the nature of the service to be rendered," the Commission may either specify the types of communications which are permissible, or, conversely, those which are prohibited. The degree of specificity in spelling out the limitations on communications vary as the particular situation and needs in each service warrant. Thus, for example, stations in the Local Government Radio Service are authorized simply "to transmit communications essential to the official activities of the licensee" (§ 89.253), while the permissible communications in the Manufacturers Radio Service are more severely limited and detailed as follows: " * * * except for transmissions relating to an immediate emergency involving the safety of life or property, such authorized stations may be used only for the transmission of communications incident to plant security, production control or materials-handling, other than the retail distribution of the manufacturer's products." (§ 91.728). A manufacturer licensed in the Manufacturers Radio Service, even though he may have a legitimate business need for radio communications in connection with the retail distribution of his manufactured products, may not use his radio station for that purpose but must obtain a license for such use in some other service such as the Business or Citizens Radio Services which are comparatively less restricted. Another example of detailed limitations on the nature of the service which may be rendered by a radio station is contained in § 87.257 of the Aviation Services rules which provides, in part, that "Aeronautical advisory stations shall not be used for air traffic control purposes"

and "Communications on the frequency 122.8 Mc/s shall be limited to the necessities of safe and expeditious operation of private aircraft, pertaining to the conditions of runways, types of fuel available, wind conditions, weather information, dispatching or other necessary information: *Provided, however,* That on a secondary basis, communications may be transmitted which pertain to the efficient portal-to-portal transit of which the flight is a portion, such as requests for ground transportation and food or lodging required during transit."

10. The adoption of § 95.83 *Prohibited uses*, which delimits the nature of the service to be rendered by citizens radio stations is within the scope of the Commission's duties and regulatory powers under section 303 of the Act to prescribe the nature of the service to be rendered by each class of licensed stations and each station within any class. In *National Broadcasting Co. v. United States*, 319 U.S. 190 (1943), the Supreme Court of the United States considered the question of the authority of the Federal Communications Commission to make regulations under section 303 of the Act in light of a claim that the Commission's chain broadcasting regulations were an unconstitutional abridgment of freedom of speech in violation of the First Amendment to the Constitution. The ruling of the Supreme Court is applicable and pertinent to the case at hand. The Court stated that:

The Act itself establishes that the Commission's powers are not limited to the engineering and technical aspects of regulation of radio communication * * * the Act does not restrict the Commission merely to supervision of the traffic. It puts upon the Commission the burden of determining the composition of that traffic.

and further:

The facilities of radio are limited and therefore precious; they cannot be left to wasteful use without detriment to the public interest.

Then, turning specifically to the question of freedom of speech, the Court stated:

Freedom of utterance [speech] is abridged to many who wish to use the limited facilities of radio. Unlike other modes of expression, radio inherently is not available to all. That is its unique characteristic, and that is why, unlike other modes of expression, it is subject to governmental regulation.

It is concluded, therefore, that § 95.83 of the proposed rules does not constitute an abridgment of freedom of speech as guaranteed by the First Amendment.

11. Similarly, we conclude that the adoption of § 95.83 does not violate the proscription against censorship contained in section 326 of the Communications Act when that section is read and construed in the light of the Commission's duties and authority under section 303 (a) and (b) of the Act. In complying with the statutory mandate of section 303, the Commission has, from the inception of the various Safety and Special Radio Services, classified the numerous types of services and established reasonably related limits on permissible communications. As indicated above, many of these have been in spe-

cific detail. All, of course, have been predicated upon a determination by the Commission that the public convenience, interest, or necessity would be served thereby. These actions have been based upon the uncontroversial fact that there is not enough radio spectrum space to accommodate all those who desire to use radio and that the present demands far exceed the available frequency space. In the Safety and Special Radio Services, we have provided that the very limited frequencies available to stations in the various services must be used on a shared basis and such use must be limited to those purposes and communications which are the most deserving and needful of the valuable frequency space involved.

12. Finally, the argument is not understood that, although the Commission may establish categories of service, it may not make a determination as to the kinds and types of communications which fall within the authorized categories. The establishment of a category without a determination of the composition of the traffic would result in virtually no regulation and an abdication by the Commission of its congressionally-imposed responsibilities. This would result in endless chaos and confusion—the very result which the Commission was established to prevent. In any case, the ruling of the Supreme Court in the *NBC* case, above, that the burden is placed upon the Commission to determine the composition of the radiocommunications traffic is dispositive of that argument.

Vagueness. 13. It is next urged that proposed § 95.83(a) (1) is so vague that a licensee cannot reasonably understand which communications are authorized and which are prohibited. This section prohibits the use of a citizens radio station:

For engaging in radiocommunications as a hobby or diversion, i.e., operating the radio station as an activity in and of itself.

One petitioner states:

The control of communication cannot be made by rules which are so vague as to make it almost impossible to ascertain the circumstances to which they apply. Where constitutionally valid conditions are imposed on speech by governmental authority, the standards by which one is required to act must be stated in such a way as to be clearly ascertainable. * * * the fact that it is difficult to write clear standards does not make valid otherwise invalid regulation. The burden is on the governmental authority to meet the constitutional requirements.

14. Admittedly, it is difficult to delineate within the context of a precise rule between permissible and nonpermissible communications and it is patently impossible to mention in the rules all conceivable circumstances in which a communication will constitute a valid—or invalid—use. While the rules must be broad enough to cover every situation, they need not specifically mention or list every conceivable circumstance or situation which is permitted or prohibited. To do so in this case, even if it were possible, would unduly lengthen and complicate the rule because of the wide variety of permissible uses intended to be served by the Citizens Radio Service.

The instant rules are written to permit the widest possible use consistent with the public interest and one purpose of the proposed amendments was to indicate which uses are prohibited. The crux of the matter at issue here is whether the prohibited uses contained in the rules are sufficiently explicit to provide guidance for licensees in this service. What is required, then, is that the rule be sufficiently clear so that the average prudent person can understand what is required. The instant rules meet this standard.

15. In addition, the rules do not materially change the prohibited uses in the Citizens Radio Service which have been an integral part of the service since its inception. Nor has this information been hidden from licensees. Each applicant for an authorization in this service literally certifies on the application form that he has read the applicable rules and understands them. In substantially every case for the past several years, a bulletin has been sent to each licensee with his authorization advising of the permissible uses in this service. Numerous public notices and bulletins have been issued concerning the permissible and prohibited uses of citizens radio stations. Also, there have been several decisions by the Commission concerning the question of prohibited use in this service. Thus, as was implicit in the Report and Order in this proceeding, these rules have an ascertainable meaning for licensees who are making a good faith effort to comply with the purposes and intent thereof. Experience over the past several years has shown that the majority of licensees in this service do understand the meaning of the rules. Moreover, the many letters and comments received in this proceeding do not indicate any widespread misunderstanding of the intended thrust of the prohibitions.

16. Thus, from its inception, the Commission has repeatedly emphasized that, although a citizens radio station may be used for necessary communications in connection with a hobby activity, such as boating, hunting, hiking, etc., the operation of the station may not itself constitute the hobby activity. It has always been a basic concept that use of a citizens radio station must be limited only to those communications essential to some business or personal activity of the licensees in which the unique attributes of a radiocommunications system for conveying useful, necessary and meaningful

information between points otherwise without a communication link is either indispensable or obviously advantageous. But that kind of use is clearly distinct and separate from using the radio station facility as a hobby or diversion in and of itself. And it is the use of these radio stations for hobbying and/or amusement purposes or where the transmissions evidence no communications usage essential to some personal or business activity of the licensee that has been determined not to be in the public interest.

17. The prohibited use of these radio stations has fallen into a perceptible pattern which can be readily identified. Extensive monitorings have disclosed, typically, not isolated expressions or statements, but rather that a substantial amount of time is used during the course of an exchange of transmissions in engaging in operations which clearly fall within the prohibitions of § 95.83(a)(1).⁴ Illustrative of the types of communications which evidence a use of radio as a hobby or diversion, but certainly not all inclusive, are the following:

(a) "You want to give me your handle and I'll ship you out a card the first thing in the morning;" or "Give me your 10-20-8 so I can ship you some wallpaper." (Communications to other licensees for the purpose of exchanging so-called "QSL" cards.)

(b) "I'm just checking to see who is on the air."

(c) "Just calling to see if you can hear me. I'm at Main and Broadway."

(d) "Just heard your call sign and thought I'd like to get acquainted;" or "Just passing through and heard your call sign so I thought I'd give you a shout."

(e) "Just sitting here copying the mail and thought I'd give you a call to see how you were doing." (Referring to an intent to communicate based solely on hearing another person engaged in the use of his radio.)

(f) "My 10-20 is Main and Broad Streets. Thought I'd call so I can see how well this new rig is getting out."

(g) "Got a new mike on this rig and thought I'd give you a call to find out how my modulation is."

(h) "Just thought I would give you a shout and let you know I am still around. Thanks for coming back."

(i) "Clear with Venezuela. Just thought I'd let you know I was copying you up here."

(j) "Thought I'd give you a shout and see if you knew where the unmodulated carrier was coming from."

(k) "Just thought I'd give you a call to find out how the skip is coming in over at your location."

⁴It is to be noted that various other subsections of 95.83 contain specific prohibitions which are closely akin to those which are characterized as hobbying. Discussion here is limited to the use of the radio station as a hobby or diversion which come within the prohibitions of Section 95.83(a)(1).

⁵This is part of the so-called "10 Code" system used by many radio operators and refers to the location of the stations communicating.

⁶This is derived from the so-called "Q" code base upon the regulations accompanying the International Telecommunications Convention and used extensively in the Amateur Radio Service. It is code for "Can you acknowledge receipt?" "I am acknowledging receipt." It is being used in the Citizens Radio Service where a substantial number of "hobbyists" collect cards from licensees whom they have contacted.

(1) "Go ahead breaker. What kind of a rig are you using? Come back with your 10-20."

18. There is one other matter which should be considered. Experience over a period of several years shows that, in a large number of cases, licensees who have been found to be in violation of this rule have, at some time in their exchange of communications, also transmitted communications which are permissible under the rules. However, typically, the great majority of the time involved in such exchange has been for hobbying activities. It is emphasized that such an intermixture of permissible communications with prohibited communications cannot justify the transmission of prohibited communications.

19. For the reasons set forth above, the contention that the rules are invalid because of vagueness is rejected. However, to the extent that it will be helpful and serve to clarify what is meant in § 95.83(a)(1), that section of the rules is being amended by inserting a note which contains illustrations of the types of communications which are prohibited. These examples are illustrative only but will provide ample guidance. It is also pointed out that, under applicable rules and regulations, formal enforcement action is based upon repeated violations (except where willfulness is involved). Thus, the licensee is first warned as to the operations which are considered to be in violation of the rules and given an opportunity to bring his operations into compliance with the rules. In this first warning, excerpts from the objectionable transmissions are furnished the licensee for his guidance and information, and formal action may thereafter be instituted if a repetition of the same offense should occur.

Hobbying and the public interest. 20. Apart from the allegations that the rules prohibiting the use of radio stations in this service as a hobby or diversion are illegally vague, some of the petitioners requested that the Commission reconsider the matter and permit hobby use. Generally, their arguments are based upon the large number of licensees now authorized; that many purchased their equipment because they had been led to believe that hobby use was permissible; that hobby use generates goodwill, friendship and comradeship; that hobby use has contributed to the general well-being of our national economy because of increased sales of the radio equipment used in the Citizens Radio Service; that such use harms no one; etc. One petitioner requested that the Commission establish an examination-free, hobby-type service using the frequencies assigned for the Citizens Radio Service.

21. All of these matters were considered by the Commission in its Report and Order in this proceeding. No new arguments have been advanced and, upon reconsideration, the earlier determination is affirmed. However, we consider it useful to spell out again some of the considerations upon which the determination was predicated.

22. As was made clear in the Report and Order in this proceeding, § 95.83 does not impose any substantial new restric-

⁴See: Report and Order, Amendment of Part 19, Citizens Radio Service, Docket No. 12987, FCC 60-134, 25 F.R. 1408 (Feb. 17, 1960), 19 Pike and Fischer RR 1548; Memorandum Opinion and Order, Amendment to Part 19, Citizens Radio Service, Docket 12987, FCC 60-515 (May 9, 1960), 19 Pike and Fischer RR 1554; Warren G. Holleman, Docket No. 14210, FCC 63-45 (Jan. 16, 1963), 34 FCC 121, 23 Pike and Fischer RR 539; and Vincent R. Benville, FCC 63-1004, (Oct. 30, 1963), 35 FCC 604. In addition to these, there have been hundreds of other decisions in individual cases where we have either issued an Order of Revocation or Memorandum Opinion and Order in a forfeiture case. Public Notices of the enforcement action taken by the Commission are regularly mailed to many citizens radio clubs.

tions on the use of citizens radio stations. The Citizens Radio Service was created to provide a needed communications tool for the average citizen for the transmission of messages which are necessary for the conduct of a business or personal activity. As such a communications tool, a citizens radio station can provide useful and worthwhile communications service, particularly where other forms of communication are not available, such as while in transit or in the absence of land-line telephones. The use of citizens radio stations for operation as a hobby in and of itself has never been permitted. Despite this fact, hobby-type uses involving communication between stations of different licensees is prevalent on all citizens band frequencies to the substantial detriment of the legitimate users and in contravention of the primary purpose of the service, which is to provide radio communications between units of the same station. The serious detriment imposed on use of the service for its intended purposes by illegal operations of this character is attested to by the support for the Commission's position from those persons who have been frustrated in their attempts to use the service for its intended purposes.

23. Undoubtedly any provision in the rules which would sanction hobby-type operation in the Citizens Radio Service similar to that now provided in the Amateur Radio Service but without the examination now required in the Amateur Radio Service would result in a vast increase in the number of citizens radio licensees. However, the limited frequency space available for use by citizens radio stations is simply not sufficient to permit hobby-type operations in this service.⁸ There are only 23 frequencies available for use by the almost 700,000 existing Class D station licensees and all these frequencies are needed to fulfill the needs of present and future⁹ licensees using the service for a communications tool as originally intended. The possibility of taking advantage of the gains in useful spectrum space to be obtained from single side band equipment has been considered; however, that possibility does not alter this conclusion. The question of reallocating additional frequency space to the Citizens Radio Service for hobby-type use is not before

the Commission in this proceeding.¹⁰ Therefore, any hobby-type use of the citizens radio frequencies can only be at the expense of the purposes for which the service was created. Hobby-type use, by its very nature, generates lengthy and unnecessary use of the frequencies. Citizens radio station licensees desiring to use their stations for legitimate purposes have often found the frequencies being used for discussions of equipment, signal reports, exchanges of QSL cards, or other similar conversations. In addition, licensees monitoring the frequencies for transmissions from their own units are subjected to listening to extensive idle chatter generated by a desire to use citizens radio as a diversion. The many thousands of licensees, operating in accordance with the limitations on use, deserve to have their equipment investment protected from operations which are often in open disregard of the Commission's rules and the basic concepts of the use of the service. The Commission considers that, as between the two types of uses, operation as originally limited in the rules provides the most productive and worthwhile use of the frequencies, and that the public interest is served thereby.

24. As indicated, a number of licensees have asserted that they were misled into believing that hobby-type communications were permitted by the advertising of some equipment manufacturers or dealers, and by articles appearing in various publications. While this Commission has no direct control over the advertising of the equipment manufacturers and dealers, nor over the contents of articles appearing in publications, it has gone to great lengths to make available to the interested public accurate information. Literally hundreds of thousands of copies of informative material have been distributed. Numerous bulletins and public notices describing the basic limitations on use of the Citizens Radio Service have been mailed to applicants and licensees as well as publishers and advertisers. A copy of a bulletin, which clearly states that hobbying is prohibited, has been sent with virtually every Class D station license issued. Further, every applicant is required to certify that he has a current copy of the rules, and in recent years, to certify that he has read and understood the rules and will operate in compliance therewith. Public Notices of the enforcement actions taken by the Commission against hobbyists are regularly mailed to many citizens radio clubs. Thus, the means of ascertaining what is permitted are available, and applicants and licensees must accept the responsibility of informing themselves of the

Commission's rules and their application to the communications use proposed to be made of their stations.

Hearing requirements. 25. Lafayette and Polytronics, in their joint petition, argued that the amendment to § 95.41(d) of the rules would change the frequencies available to their Class D citizens radio stations and that proposed § 95.91(b) would change the times of operations of their stations. Accordingly, they urged that section 303(f)¹¹ of the Communications Act requires the Commission to obtain either the consent of the licensees or afford them a hearing before the rule amendments may become effective. They stated that they do not give their consent and they have requested a hearing. Other petitioners also have requested a hearing.

26. The Commission has concluded that the proposed amendment of § 95.41(d) would not change the frequencies available to the petitioners and that proposed § 95.91(b) would not change the times of operation of the petitioners' radio stations within the meaning of section 303(f) of the Act. In any event, even were we to assume, for the purpose of argument, that there has been a change in frequencies and times of operation, a hearing is not required in this case because there are no substantial and material questions of fact presented by the pleadings on these questions but only matters of law and policy.

27. Section 95.41(d), currently in effect, lists 23 frequencies that are available to Class D radio stations in the Citizens Radio Service. In this service, specific frequencies are not assigned to any Class D radio station. Instead, under the current rules, all Class D radio station licensees are permitted to operate on any of the 23 frequencies, primarily for communications with units of the same station and, secondarily, for communications with other Class D stations. All these frequencies are available on a shared basis with other stations in this service so that all operations on these frequencies are subject to interference from other licensed Class D citizens radio stations. Under the amendment to § 95.41(d), the same 23 frequencies would still be available to all Class D radio stations. But a new limitation on the use of some of these frequencies would be imposed, in that communications be-

⁸ The Commission again points out that those persons who consider radiocommunication, per se, as an important hobby element in their activities may become amateur radio station licensees by passing the required examination. Although the Amateur Radio Service is not established for "hobby" communications purposes as ends in themselves, neither are such communications prohibited.

⁹ Although there are conflicting opinions in this area, it is noted that a number of the manufacturers and dealers of citizens radio equipment have stated that they expect an increase in the demand for station equipment after the adopted rules become effective. While this question is somewhat speculative, it appears to us that, while the number of licensees in this service may not increase as spectacularly as in the past, the service will continue to have a healthy growth.

¹⁰ A petition, RM-661, has been filed by the American Citizens Band Association, Inc. requesting the allocation of frequencies for this purpose. Another petition, RM-406, filed by the International Crystal Mfg. Co., Inc. requests the creation of a new "hobby-class" license in the Amateur Radio Service. Action on these petitions will be taken by the Commission in another proceeding at a future date.

¹¹ Section 303(f) reads: "Except as otherwise provided in this Act, the Commission from time to time, as public convenience, interest, or necessity requires shall—

(f) Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act: *Provided, however, that changes in the frequencies, authorized power, or in the times of operation of any station, shall not be made without the consent of the station licensee unless, after a public hearing, the Commission shall determine that such changes will promote public convenience or interest or will serve the public necessity, or the provisions of this Act will be more fully complied with:*"

tween different licensees would be restricted to 7 specified frequencies. Since all 23 frequencies continue to be available for the primary purpose of this service, viz, communication between units of the same station, this change in usage does not constitute "changes in the frequencies" available to any Class D stations within the meaning of section 303 (f).

28. With respect to the argument concerning changes in the times of operation of Class D radio stations, it should be reiterated that the frequencies available to these stations are available for use on a shared basis only. In practice, communications may be transmitted on a particular channel only when it is not already being used. Further, the rules (§ 95.3) require licensees to cooperate in the use of frequencies so as to minimize interference and thereby obtain the most effective use of their stations. Class D stations may be operated at any time, day or night. No specific time period is assigned to Class D radio stations as is the case with certain other classes of stations, such as some radio broadcast stations and some common carrier stations. Therefore, § 95.81(f) of the current rules provides, with some exceptions not pertinent here, that Class D radio stations engaged in interstation communications may be operated continuously for a maximum of 5 minutes and that each exchange of communications is to be followed by a silent period of 2 minutes. New § 95.91(b) would not change the time within which Class D stations may be operated (they may still be operated at any time during the 24 hours per day), nor would it change the 5-minute limitation on the length of transmissions. The only change would be in the length of the required silent period, from 2 minutes to 5 minutes. In our view, this change is not a change in the "times of operation" within the meaning of section 303(f). Stated otherwise, we think that the provision in 303(f) concerning "times of operation" applies to those cases where the Commission changes the basic license right, e.g., a licensee's authorization to operate his station during specified periods of the day, (for example, a broadcast radio station authorized to operate from sunrise to sunset daily).

29. In any event, even if we assume for purpose of argument, that the amendments of §§ 95.41(d) and 95.91(b) would change frequencies and times of operations, a hearing is not required in this case. The proceedings here conducted afforded ample opportunity to the petitioners, and to all interested persons, to supply information and views on the proposed amendments. The limitations on interstation communications and on the length of the silent period were included in the Notice of Proposed Rule Making. Information and comments thereon were submitted by a substantial number of persons and were considered by the Commission in reaching its decision. The petitioners have raised no factual issue that requires an evidentiary hearing for resolution. Thus, since there are no substantial or material questions of fact presented by the pleadings that

could not be and were not resolved as a matter of law in the Report and Order, a hearing is not required.¹²

30. We note that the foregoing conclusions are in line with the practicalities of the situation. For, it would be impracticable, if not impossible in this case, either to obtain the individual consent of each citizens radio licensee or to afford him an opportunity to participate in evidentiary hearings. There are now almost 700,000 Class D radio station licensees in the Citizens Radio Service. The amended rules affect all of these licensees. We see no reasonable alternative to the procedure followed in this case, and to postpone the effectiveness of the rules long enough so that they would not affect existing licensees during the terms of their licenses would frustrate, rather than accomplish, the objectives sought to be attained by this rule making proceeding. Since citizens radio station licenses are issued for 5-year terms, the effective date of the rules would have to be postponed for at least 5 years. The limitation on the use of the frequencies for interstation communications and the length of the silent period are considered by the Commission as vital to the preservation of the usefulness of the Citizens Radio Service. Thus, these limitations, which the Commission found to be in the public interest, would remain ineffective for 5 years while the deteriorating situation in the service would not only continue but would grow to chaotic proportions.

31. Finally, one petitioner argued that, even if the limitation on the use of frequencies for interstation communications "be viewed as a change in the type of communication which is authorized rather than a change of frequency, a hearing is required" under section 316 of the Act. This petitioner did not, however, present any substantial or material questions of fact. For the same reasons set forth above concerning a hearing under section 303(f), we believe that a hearing under section 316 is not necessary. If this petitioner intended to argue that we have changed the nature and content of the permissible communications on these frequencies, that argument also is rejected. Under new § 95.41 (d), the types of permissible communications that may be transmitted have not been changed materially, as we have indicated above. The revised rules merely spell out prohibitions which have been an integral part of the Citizens Radio Service since its inception.

32. For the foregoing reasons, the requests of the petitioners for hearings on these matters are denied.

Fifth amendment. 33. It has been asserted that the rule changes are in violation of the Fifth Amendment to the Constitution. But a citizens radio station license does not convey any property rights to the licensee. The privileges granted by the license are by the very terms of the license itself made "[S]ubject to the provisions of the Communica-

tions Act of 1934, as amended, subsequent acts, treaties, and all regulations heretofore or hereafter made by the Commission * * *." Despite allegations by a petitioner to the contrary, the amended rules were adopted after procedures in complete accordance with the requirements of section 4 of the Administrative Procedure Act which affords all licensees their procedural rights under due process.

Administrative Procedure Act. 34. As noted above, these amendments were adopted in accordance with the procedural requirements of section 4 of the Administrative Procedure Act. Briefly, the requirements of that section may be summarized as follows:

(a) Notice: General notice of proposed rule making must be published in the FEDERAL REGISTER which must include (1) a statement of the time, place, and nature of the public rule making proceedings; (2) reference to the authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subject and issues involved.

(b) Procedures: Procedures must afford interested persons an opportunity to participate through submission of written data, views, or arguments with or without opportunity to present them orally in any manner. Sections 7 and 8 of this Act (5 U.S.C. 1006 and 7), which relate to hearings and decisions, do not apply to this proceeding (see previous discussion).

(c) Effective dates: Except for good cause shown, the required publication of the adopted rule must be made at least 30 days prior to the effective date.

All of these requirements have been met.

Miscellaneous arguments. 35. One petitioner asserts that the amendment to § 95.1 is not valid because no change to that section was proposed in the Notice of Proposed Rule Making in this proceeding. However, section 4(a) does not require the notice to contain the specific language of each amendment. The Commission is not limited to the action tentatively proposed in the notice of proposed rule making but may also consider and adopt counter proposals or other proposals falling within the general purview of its published notice. Adequate notice is given when the Commission clearly puts interested persons on notice of the general subject matter to be considered. It is enough that the notice contains the "substance of the proposed rule or a description of the subject and issues involved." The notice must be sufficiently informative to alert interested persons and allow them to participate in the rule making process. All of the rule changes adopted by the Report and Order were within the general subject and purpose of the notice and interested persons were given an entirely adequate opportunity to become aware of the issues under consideration, namely, clarification of the permissible and prohibited uses, particularly with respect to the prohibition of the hobby-type communications. The change in § 95.1 Basis and purpose, was consistent with other specific proposals contained in the notice and was actually adopted in lieu of more detailed limitations on permissible com-

¹² Capitol Broadcasting Co. v. F.C.C., 116 U.S. App. D.C. 370, 324 F. 2d 402 (1963); and Pan American Petroleum Corp. v. F.C.C., 116 U.S. App. D.C. 249, 322 F. 2d 999 (1963).

munications proposed as § 19.61 (95.81) in the Notice of Proposed Rule Making.

36. In addition to consideration of the preceding matters, the Commission has also considered the various requests that the Commission modify specific provisions of adopted amendments to increase the number of interstation channels, relax the antenna height limitations, alter the time limitations on interstation communications, and delete or modify certain of the prohibited uses set forth in Section 95.83. However, for the reasons contained in the Report and Order, the amendments as adopted are needed to permit the fullest development of the service as originally intended and the arguments advanced are not persuasive that the public interest requires any modification thereof at this time. Under the Commission's policy of continuing review of the regulations, it will consider the possibility of further changes in the light of future developments in the service.

37. Accordingly, after reconsideration: *It is ordered*, This 24th day of February 1965, that § 95.83(a)(1) of the rules is amended as shown below, and that all other amendments to Part 95, Citizens Radio Service, adopted by the Report and Order (FCC 64-687) on July 22, 1964, are affirmed; and

38. *It is further ordered*, That these rules shall become effective April 26, 1965; and

39. *It is further ordered*, That to the extent that they request any action not ordered herein, the petitions for reconsideration and/or rehearing listed in paragraph (1) are denied.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: March 1, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

Section 95.83(a)(1) is amended by adding the following Note:

§ 95.83 Prohibited uses.

- (a) * * *
(1) * * *

NOTE: The following are typical, but not all inclusive, examples of the types of communications evidencing a use of Citizens radio as a hobby or diversion which are prohibited under this rule:

"You want to give me your handle and I'll ship you out a card the first thing in the morning;" or "Give me your 10-20 so I can ship you some wallpaper." (Communications to other licensees for the purpose of exchanging so-called "QSL" cards.)

"I'm just checking to see who is on the air."

"Just calling to see if you can hear me. I'm at Main and Broadway."

"Just heard your call sign and thought I'd like to get acquainted;" or "Just passing through and heard your call sign so I thought I'd give you a shout."

"Just sitting here copying the mail and thought I'd give you a call to see how you were doing." (Referring to an intent to communicate based solely on hearing another person engaged in the use of his radio.)

"My 10-20 is Main and Broad Streets. Thought I'd call so I can see how well this new rig is getting out."

"Got a new mike on this rig and thought I'd give you a call to find out how my modulation is."

"Just thought I would give you a shout and let you know I am still around. Thanks for coming back."

"Clear with Venezuela. Just thought I'd let you know I was copying you up here."

"Thought I'd give you a shout and see if you knew where the unmodulated carrier was coming from."

"Just thought I'd give you a call to find out how the skip is coming in over at your location."

"Go ahead breaker. What kind of a rig are you using? Come back with your 10-20."

[F.R. Doc. 65-2204; Filed, Mar. 2, 1965; 8:48 a.m.]

Title 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 958]

PART 95—CAR SERVICE

Norfolk and Western Railway Co. Authorized To Operate Over Track- age of Chesapeake and Ohio Rail- way Co.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 25th day of February A.D. 1965.

It appearing, that The Chesapeake and Ohio Railway Co. will abandon its operation on a portion of its Levisa Subdivision in Pike County, Ky., at midnight February 28, 1965, pursuant to the authority of this Commission in Finance Docket No. 22891 and that the Norfolk and Western Railway Co. has requested authority to operate over trackage of The Chesapeake and Ohio Railway Co. on eastern end of its Levisa Branch in order that the Norfolk and Western Railway Co. may provide rail service to the coal mining operations at Lick Creek and Woodside, Ky., at the cessation of The Chesapeake and Ohio Railway Co. service, pending the filing of and Commission action upon the Norfolk and Western Railway Co.'s application to acquire said line, which application will be promptly filed. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good

cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 95.958 Service Order No. 958.

(a) *Norfolk and Western Railway Co. authorized to operate over trackage of The Chesapeake and Ohio Railway Co.* The Norfolk and Western Railway Co. be, and it is hereby authorized to operate over and perform service over certain trackage of The Chesapeake and Ohio Railway Co. consisting of 9.93 miles of railroad track in Pike County, Ky.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations insofar as they conflict with the provisions of this order is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., March 1, 1965.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1965, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(Secs. 1, 12, 15, 24 Stat. 379, 383, 394, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-2187; Filed, Mar. 2, 1965; 8:47 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE [Ex Parte MC-7]

PART 170—COMMERCIAL ZONES

Washington, D.C., Commercial Zone

FEBRUARY 25, 1965.

In 30 F.R. 2401, under § 170.4, Washington, D.C., the twelfth line of the description of the boundaries of the commercial zone which was published as "Shady Grove Road approximately 0.4 mile to" is corrected to read, "Shady Grove Road approximately 2.3 miles to".

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-2188; Filed, Mar. 2, 1965; 8:47 a.m.]

Proposed Rule Making

CIVIL AERONAUTICS BOARD

[14 CFR Part 249]

[Docket No. 15849]

PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Proposed Uniform Rules for Air Freight Forwarders and International Air Freight Forwarders; Supplemental Air Carriers

FEBRUARY 10, 1965.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment of Part 249 of the Economic Regulations (14 CFR Part 249) which would (1) update the rules pertaining to record retention by air freight forwarders and international air freight forwarders and standardize the record-retention requirements for freight forwarders subject to Federal regulation and (2) effect certain changes applicable to supplemental air carriers.

The principal features of the proposed amendments are described in the Explanatory Statement below and the proposed rule changes are set forth in the Proposed Rule below. The amendments are proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428. All relevant material in communications received on or before April 1, 1965, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof by the Board.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. The last major revision of the Board's record-retention regulation (Part 249 of the Economic Regulations, 14 CFR Part 249) which affected air freight forwarders and international air freight forwarders occurred in 1957 (ER-219 adopted December 21, 1956, effective January 28, 1957, 21 F.R. 10475).¹ In view of the growth

and advancement in air freight forwarding operations since that date, the Board considers it appropriate to up-date the record-retention rules applicable to air freight forwarders and international air freight forwarders to meet present day conditions. It is also proposed at this time to standardize the record-retention requirements applicable to such forwarders with similar requirements pertaining to other freight forwarders subject to Federal regulation. Thus, a coordinated action to amend the record-retention requirements for freight forwarders is being undertaken by the Interstate Commerce Commission. This standardization will relieve those freight forwarders serving both air and surface transportation of the burden of complying with two different sets of record-retention rules.

In ascertaining the overall effect of the proposed rule upon the present requirements with respect to record retention for air freight forwarders and international air freight forwarders, it is not possible to make a comparison on an item-by-item basis with respect to items for which we are proposing to increase and those for which we are proposing to decrease the period of record retention. This is so for the reason that the present record-retention regulation (§ 249.9 of the Board's Economic Regulations) describes the types of records in general terms, whereas the proposed rule represents a more detailed breakdown by classes of records. For example, the present regulation describes shipping documents in one grouping as "airway bills, bills of lading, cargo manifests, receipts, exchange orders, invoices, and similar evidence of shipping transactions," all with a record-retention requirement of 1 year (Category 3 of § 249.9(a)). By contrast the proposed regulation breaks down the category shipping documents under the major heading "Shipping and Agency Documents" as follows: "Bills of lading and releases" broken down into two items, "Freight waybills and freight bills" subdivided into three items, and "Freight records and reports" subdivided into four items, with various record-retention requirements for each item ranging from 1 to 3 years.² It is believed that a more detailed itemization of the categories of records and the parallel record-retention requirements for these items as set forth in the proposed rule will assist air freight forwarders and international air freight forwarders in applying the record-retention requirements and will remove some of the ambiguities which now exist as to which general category of records applies to a particular type of record.

However, it is possible to state in a general way the overall effect of the proposed rule on the periods of time which the air freight forwarders and inter-

national air freight forwarders would be required to retain records. Thus, with respect to financial records, the record-retention periods would be increased in the case of 6 items³ and decreased in the case of 6 items.⁴ Also, with respect to records other than financial, the retention periods would be increased from 1 year to either 2 or 3 years in the case of 14 items⁵ (shipping and agency documents) and decreased from "permanent" to a period of not over 3 years after expiration in the case of 7 items (tariffs and rates).⁶

The proposed amendment to Part 249 will in effect be a self-contained regulation embodying all of the record-retention requirements and related rules for air freight forwarders and international air freight forwarders. We therefore propose to designate these rules as "Subpart B—Air Freight Forwarders and International Air Freight Forwarders" and to designate the existing regulation (Part 249), exclusive of the provisions applicable to freight forwarders, as "Subpart A—Air Carriers Other Than Air Freight Forwarders and International Air Freight Forwarders." This redesignation will require certain editorial changes.

We also propose to modify the record-retention regulations with respect to supplemental air carriers by (1) placing in one section (§ 249.8) all retention provisions affecting supplemental air carriers rather than having the applicable provisions in two sections as at present (§§ 249.8 and 249.10), (2) correcting the omission in existing § 249.10 of a reference to a specific place of retention for the categories of transatlantic charter records enumerated therein, (3) updating the text of § 249.8 and item 1 of the category of records therein and (4) making certain editorial changes. In addition, the proposed rule defines "Supplemental air carrier" and redefines "Certificated route air carrier" in § 249.2. The sections affected by these changes are §§ 249.1, 249.2, 249.8 and 249.10.

Proposed rule. It is proposed to amend Part 249 of the Economic Regulations (14 CFR Part 249) as follows:

1. Designate §§ 249.1 through 249.14 of existing Part 249 as "Subpart A—Air Carriers Other Than Air Freight Forwarders and International Air Freight Forwarders."

2. Amend § 249.1 by (1) striking the reference to large irregular air carriers, air freight forwarders and international

¹ Items B-6(d), C-2(a), C-6(a), D-2(c)—Retirement plan and Employees relief—, J-1, Category of records, § 249.27.

² Items B-1(f), B-2(e), B-2(g), B-6(e), C-6(b) and D-1(d), Category of records, § 249.27.

³ Items H-1(a), H-1(b), H-2(a), H-2(b), H-3(a), H-3(b), H-3(c), H-4, H-5, H-6(a), H-6(b), H-6(c), H-7, H-9, Category of records, § 249.27.

⁴ Items I-1 through I-7, Category of records, § 249.27.

⁵ See Items H-(1) through H-(3), Category of records, § 249.27, *infra*.

⁶ The 1961 revision of Part 249 (ER-328, 26 F.R. 4090) and the subsequent amendments thereto did not substantially modify the rule with regard to the requirements for preservation of records by air freight forwarders and international air freight forwarders (§ 249.9).

air freight forwarders, (2) deleting subparagraph (b), and (3) redesignating subparagraphs (c) and (d) as (b) and (c), respectively. As amended, § 249.1 will read as follows:

§ 249.1 Applicability.

Except as otherwise provided in this subpart or other parts of this subchapter, the provisions of this subpart shall apply to (a) air carriers, as defined in section 101(3) of the Act, which hold certificates of public convenience and necessity, supplemental air carriers, subject to the reporting requirements of Part 241 and former Part 242 of this subchapter, (b) holders of a permit authorizing the navigation in the United States of foreign civil aircraft pursuant to Part 375 of the Board's special regulations, and (c) foreign air carriers, as defined in section 101(19) of the Act.

3. Amend § 249.2 by modifying the definition of "Certificated route air carrier" and by defining "Supplemental air carrier" as follows:

§ 249.2 Definitions.

For the purposes of this subpart:

"Certificated route air carrier" means the holder of a certificate of public convenience and necessity issued by the Civil Aeronautics Board under section 401(d) (1) and (2) of the Act, authorizing the holder to provide unlimited scheduled service over designated routes.

"Supplemental air carrier" shall mean any air carrier holding a certificate issued under section 401(d) (3) of the Federal Aviation Act of 1958, as amended, or a special operating authorization issued under section 417 of the Federal Aviation Act, or operating authority issued pursuant to section 7 or 9 of Public Law 87-528.

4. Amend § 249.4 to effect editorial changes so that the section will read as follows:

§ 249.4 Waivers of requirements of this subpart.

A waiver from any provision of this subpart may be made by the Board upon its own initiative or upon submission of a written request therefor by any air carrier or air carriers. Each request for waiver shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, procedures or techniques or that compliance with such prescribed requirements would impose an unreasonable burden upon the air carrier, and that the granting of the waiver would be in the public interest.

5. Amend the title to § 249.5 to read as follows:

§ 249.5 Accidental loss or destruction of records.

6. Amend the first paragraph of § 249.7 by (1) deleting the reference to air freight forwarders and international air freight forwarders in the last sentence thereof and (2) making editorial changes. As amended, the first paragraph reads as follows:

§ 249.7 Preservation of records on microfilm.

Microfilms which are prepared in accordance with the requirements of this section may be substituted for original documents with respect to all categories of records where such substitution has been specifically authorized in this subpart. Microfilms may be substituted for those categories of records required to be retained under § 249.13 where, and to the extent that, such substitution is specifically authorized in the "Schedule of Records" therein contained: *Provided, however*, That all such substitution shall only be made when the records involved are not subject to the retention requirements of § 249.13(e). Microfilms may not be substituted for any category of records required to be retained for the relatively limited time periods prescribed in §§ 249.8 to 249.12 except to the extent that a waiver from this prohibition with respect to any particular category of records is obtained pursuant to § 249.4.

7. Amend § 249.8 by (1) updating the title, the text of the section and item 1 of the "Category of records" and (2) adding items 13 and 14 to said "Category of records." As modified, § 249.8 will read:

§ 249.8 Period of preservation of records by supplemental air carriers.

Each supplemental air carrier shall retain its records in accordance with the provisions of this section. All records of the categories set forth in this section shall be preserved, for the duration of the retention periods set forth below, at the carrier's principal office.

Category of records	Period to be retained
1. All accounts, records and memoranda (including accounts, records and memoranda of the movement of traffic as well as the receipts and expenditures of money), which are needed in order to accomplish full compliance with the reporting requirements of Part 241 of this subchapter:	
(a) As related to statistical reports (including copies of flight and auditor's coupons).	3 years.
(b) As related to flight reports.	1 year.
...	...
13. (a) Every charter contract.	2 years.
(b) All passenger manifests, including those filed by charterers.	1 year.
14. The following documents pertaining to Part 295 of the Economic Regulations:	
(a) Every "Statement of Supporting Information."	2 years.
(b) All post-flight reports and vouchers submitted therewith.	Do.
(c) Proof of the commission paid to any travel agent by the carrier.	Do.

¹ The requirements of this item are also applicable to those records which were needed in order to accomplish full compliance with the reporting requirements of former Part 242 of this subchapter, which was repealed

8. Delete §§ 249.9 and 249.10.

9. Amend § 249.13 (c) and (e) to make editorial changes. As amended § 249.13 (c) and (e) will read as follows:

(c) Each certificated route air carrier which has been joined as a party to a pending case arising under any section of the Act other than section 406 shall continue to preserve all records in accordance with the provisions of this section and subpart as though no such proceeding were pending unless prior to the occurrence of otherwise authorized destruction the air carrier has received a written notice from the Board directing that specific records (identified by category and period covered) be preserved until final adjudication of the pending proceeding. In such event, the air carrier shall continue to preserve such records until final adjudication of the proceeding.

(e) Notwithstanding any other provisions of this section or subpart, each air carrier shall preserve original documents set forth below (except those relating to mail compensation for months in which the carrier is not operating under a mail rate including a "subsidy" element) until receipt of a written notice from the Board, which specifically authorizes destruction of such documents:

10. Amend § 249.13(f) by changing the last narrative paragraph commencing "ME" to read as follows:

ME—Indicates records for which microfilms may be substituted for the retention of original records only for the period subsequent to the expiration, cancellation, supersede, or other condition shown in the column, "Period to be Retained." Thus, for Category 9(c) microfilms are not acceptable for current leases; however, they are acceptable for leases upon termination thereof, the retention period for which is 3 years after termination.

11. Amend § 249.14 by making editorial changes so that the section will read as follows:

§ 249.14 Effective date.

The retention requirements prescribed in this subpart shall be applicable to all records which were in the custody of any air carrier subject to its provisions on June 10, 1961, as well as to all records subsequently acquired. With respect to individual records, each retention period herein prescribed shall commence upon the date when the records are created or otherwise come into the possession of the air carrier.

12. Add new Subpart B as follows:

Subpart B—Air Freight Forwarders and International Air Freight Forwarders

Sec.	
249.20	Applicability.
249.21	Introduction.
249.22	Authority to destroy records.
249.23	Photographic copies.
249.24	Supervision of destruction.
249.25	List of records destroyed.

by Regulation ER-371, effective Dec. 31, 1960 27 F.R. 12927. In other words, records required by Part 242 to be preserved must be retained until expiration of the retention periods prescribed under item 1 above.

- Sec.
249.26 Freight forwarder going out of business.
249.27 Prescribed periods of retention.
249.28 Effective date.

§ 249.20 Applicability.

Except as otherwise provided in this subpart or other parts of this subchapter, the provisions of this subpart shall apply to each air freight forwarder and each international air freight forwarder as defined in Parts 296 and 297 of this subchapter.

§ 249.21 Introduction.

This subpart specifies the records and documents which may be destroyed and prescribes the length of time the same shall be preserved, but mention of a record or document hereinafter imposes no requirement that such record shall be installed if its purpose is otherwise being adequately served. Nothing contained in this subpart shall be construed to excuse noncompliance with requirements of any other governmental body, Federal or State, prescribing longer retention periods for any category of records.

§ 249.22 Authority to destroy records.

(a) *General authority.* Freight forwarders subject to this subpart may destroy records or documents named or described in this subpart after they have been preserved for the periods of time herein prescribed.

(b) *Special authority.* A freight forwarder subject to the provisions of this subpart proposing to destroy records or documents which are not named or described in this subpart or which, if named or described, are of a character that they are no longer needed for the prescribed periods of years because of retirement of property, or the information is sufficiently available in other records to be kept for required periods of years, or other good cause, may request special authority to destroy such records or documents. Applications for such special authority shall list in detail the records or documents to be destroyed and shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, and that compliance with such prescribed requirements would impose an unreasonable burden upon the carrier.

§ 249.23 Photographic copies.

(a) All records and documents must be preserved in their original form for the periods specified in the "Schedule of Records" unless the records and documents are suitably photographed and the microfilm is retained in lieu of the original record for the required retention period, subject to the limitations indicated below. A "Microfilm indicator" has been added to the "Schedule of Records" to show when microfilms may be substituted for retention of the original record. In the absence of an indicator, microfilms

may not be substituted for the original records unless special permission is granted pursuant to § 249.22(b).

(b) An explanation of the symbols used as the microfilm indicators follows:

"M" (for Microfilm) indicates that microfilms may be substituted for retention of the original records at any time.

"M-1", "M-2", etc., indicates that microfilms may be substituted for retention of the original records only after the original records have been retained in their original form for the number of years corresponding to the numeral.

"ME" (for Microfilm and for Expiration) indicates that microfilms may be substituted for retention of the original records only for the period subsequent to the expiration, cancellation, superseding, or other condition shown in the column for "Retention periods" in the "Schedule of Records." Thus, for item A-3(b) microfilms are not acceptable as a substitute for the contracts until they have expired or have been canceled. At that time microfilms may be substituted for the original contracts for the required 3 years after the expiration or cancellation.

(c) To be acceptable in lieu of original records, photographic copies of records must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read or reproduce such photographic copies.

(2) Any significant characteristic, feature, or other attribute of the original record or document, which photography in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

(5) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

§ 249.24 Supervision of destruction.

(a) Immediately upon the effective date of this subpart, each freight forwarder subject thereto shall appoint an officer or other responsible supervisory employee to supervise the destruction of

records and documents. Such appointment shall be by formal corporate act of the board of directors or its executive committee. Designation may be made by title only, rather than by name and title, and thus obviate the necessity for a new resolution or order each time a successor is appointed. An existing appointment in conformity with the procedure indicated herein which was made under prior regulations shall be recognized as being in compliance with the regulations herein.

(b) If the property of a freight forwarder subject to this subpart is in the hands of a trustee, executor, administrator, or assignee, the officer or other responsible employee to have supervision of the destruction of records and documents shall be designated by such trustee, executor, administrator, or assignee.

(c) It is not required that a copy of the resolution or order of appointment be filed with the Board.

§ 249.25 List of records destroyed.

(a) The supervising officer or other designated employee shall maintain a comprehensive list describing all records and documents which have been destroyed pursuant to this subpart. The list so maintained shall include all records and documents destroyed, including microfilms destroyed. This list shall include form numbers and descriptive titles (or descriptions) of the records destroyed and the periods covered.

(b) The list so maintained shall be available for inspection in the office of the supervising officer or employee and shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of an unauthorized person not subject to the freight forwarder's control, then the list shall include a statement of the relevant circumstances.

§ 249.26 Freight forwarder going out of business.

The records and documents herein referred to may be destroyed after business is discontinued and the freight forwarder is completely liquidated. The records may not be destroyed until dissolution is final and all transactions are completed. When a freight forwarder is merged with another regulated company, the successor company shall preserve records and documents of the merged company in the manner and for the retention periods prescribed herein.

§ 249.27 Prescribed periods of retention.

The following is a list showing category of records and documents, the retention periods, and the microfilm indicators. The microfilm indicator is explained in § 249.23 herein.

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Miscellaneous indicator (see 249.23)
D. PATROLS AND PERSONNEL—Continued		
1. Payroll records—Continued (a) Paid checks, receipts for wages paid in cash, and other evidence of payments for services rendered by employees.	3 years	M.
2. Personnel records: (a) Appointment records, including copies of job orders, examinations, affidavits, and similar records.	1 year after termination of service	ME.
(b) Contracts and agreements with employees or employee organizations or groups.	1 year after expiration or cancellation	ME.
(c) Employees' welfare and pension records including records on employees' medical, health and insurance benefits, and workmen's compensation accident reports.	3 years	M-1.
E. EQUIPMENT AND OTHER PROPERTY		
1. Records, reports, statements and supporting papers, pertaining to debts and credits to accounts showing the cost or inventory value of property or equipment. Included in supporting papers would be job or work orders, maps, profiles, specifications, estimates, engineering studies, construction logs, and similar records.	3 years after sale or retirement	ME.
2. Records and memoranda pertaining to depreciation, repairs, and replacements of property.	do	ME.
3. Contracts and other agreements relating to the construction, acquisition, or sale of property and equipment, except as provided in item A-3(c).	do	ME.
F. PURCHASES AND STORES		
1. Records of materials and supplies on hand and detail papers of inventories taken.	3 years	M-2.
2. Bills, orders, copies of orders and correspondence pertaining to the sale or purchase of materials and supplies, except as specified in item A-3(c).	do	M-1.
3. Materials and supplies received and issued: (a) Records and reports of materials and supplies received and issued.	do	M-1.
(b) Requisitions and receipts for materials and supplies issued, totals of which have been transferred into clear records for retention.	1 year	M.
G. INSURANCE, TAXES AND CLAIMS		
1. Insurance records:		
(a) Receipts, cards, or other records of insurance policies in force showing coverage, premiums paid, good experience credits and expiration dates.	3 years after policy expires	ME.
(b) Records of self-insurance provisions and actual losses from damages to persons and property.	3 years	M-2.
(c) Insurance policies.	2 years after expiration	ME.
(d) Records of losses and recoveries from insurance companies and supporting papers.	2 years after settlement	ME.
(e) Records and files of liability bonds of employees and others responsible for funds of the freight forwarder.	1 year after expiration of bonds	ME.
2. Tax records:		
(a) Copies of schedules and returns to taxing authorities and supporting working papers, records of appeals, and copies of final determination in form of closing agreements.	3 years after final settlement	ME.
(b) Copies of schedules and returns to taxing authorities and supporting working papers in connection with taxes collected at agent.	3 years after settlement	ME.
3. Claims records:		
(a) Claims registers, card or book indexes and other records in connection with the recording of overcharge, loss and damage, personal injury, fire, and other claims.	do	ME.
(b) All papers substantiating overcharge, loss and damage, personal injury, fire, and other claims, whether such papers are filed separately or attached to vouchers. See item C-4(b).	do	ME.
H. SHIPPING AND AGENT DOCUMENTS		
1. Bills of lading and releases:		
(a) Consignee's shipping orders, shipping tickets, and copies of bills of lading and order-carriage bills of lading taken up and canceled, freight bills from other carriers, and other similar documents furnished the carrier for movement of freight.	3 years after expiration	M-2.
(b) Contracts covering risks of freight forwarders in transportation and storage.	3 years	M-2.
2. Freight waybills and freight bills:	1 year	M.
(a) Original local waybills and freight bills and undated copies thereof and company freight waybills, freight bills and cargo manifests.	do	M-2.
(b) Original interstate waybills and freight bills received from carriers and copies of those made to carriers.	do	M-2.
(c) Copies of waybills and freight bills furnished to joint traffic associations, bureaus, and similar agencies, if such copies contain no information other than that appearing on the original waybills and freight bills or in other records.	2 years	M.
3. Freight records and reports:	do	do
(a) Reports and records of freight forwarded and received.	do	do
(b) Transfer records of freight received from and delivered to carriers.	do	do
(c) Records pertaining to diversion or reassignment of freight, including requests, trackers, and correspondence in connection therewith.	do	do
(d) Records of joint-loaded shipments showing: (1) Identity of all participating forwarders. (2) Total poundage of the joint shipment. (3) Poundage contributed by reporting forwarder. (4) Name of carrier transporting the shipment. (5) Amount of charges by the direct carrier on the total shipment, for transportation and other services.	do	do
(e) Amount of such charges paid by reporting forwarder.	do	do
4. Agents' manifestations, bank deposit slips and all supporting papers not provided for elsewhere.	3 years	M-2.
5. Agents' balance sheets and supporting papers.	do	M-2.
6. Miscellaneous records pertaining to agents' accounts: (a) General office records or ledgers of various accounts showing debits and credits from various sources. (b) General office records relating to extension of credit for transportation and other charges. (c) Statements of corrections in agents' accounts.	2 years after discontinuance of credit agreement	ME.
7. Instructions to agents and representatives—bulletins and circulars of instructions to traffic agents and solicitors personal.	3 years	M-2.
8. Information to the public—press releases, paid advertisements, pamphlets, brochures, circulars, and bulletins.	1 year	ME.
9. Other agency records at stations or agencies not otherwise provided for herein.	3 years	M-2.

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Miscellaneous indicator (see 249.23)
I. EQUIPMENT AND OTHER PROPERTY		
1. Records, reports, statements and supporting papers, pertaining to debts and credits to accounts showing the cost or inventory value of property or equipment. Included in supporting papers would be job or work orders, maps, profiles, specifications, estimates, engineering studies, construction logs, and similar records.	3 years after sale or retirement	ME.
2. Records and memoranda pertaining to depreciation, repairs, and replacements of property.	do	ME.
3. Contracts and other agreements relating to the construction, acquisition, or sale of property and equipment, except as provided in item A-3(c).	do	ME.
F. PURCHASES AND STORES		
1. Records of materials and supplies on hand and detail papers of inventories taken.	3 years	M-2.
2. Bills, orders, copies of orders and correspondence pertaining to the sale or purchase of materials and supplies, except as specified in item A-3(c).	do	M-1.
3. Materials and supplies received and issued: (a) Records and reports of materials and supplies received and issued.	do	M-1.
(b) Requisitions and receipts for materials and supplies issued, totals of which have been transferred into clear records for retention.	1 year	M.
G. INSURANCE, TAXES AND CLAIMS		
1. Insurance records:		
(a) Receipts, cards, or other records of insurance policies in force showing coverage, premiums paid, good experience credits and expiration dates.	3 years after policy expires	ME.
(b) Records of self-insurance provisions and actual losses from damages to persons and property.	3 years	M-2.
(c) Insurance policies.	2 years after expiration	ME.
(d) Records of losses and recoveries from insurance companies and supporting papers.	2 years after settlement	ME.
(e) Records and files of liability bonds of employees and others responsible for funds of the freight forwarder.	1 year after expiration of bonds	ME.
2. Tax records:		
(a) Copies of schedules and returns to taxing authorities and supporting working papers, records of appeals, and copies of final determination in form of closing agreements.	3 years after final settlement	ME.
(b) Copies of schedules and returns to taxing authorities and supporting working papers in connection with taxes collected at agent.	3 years after settlement	ME.
3. Claims records:		
(a) Claims registers, card or book indexes and other records in connection with the recording of overcharge, loss and damage, personal injury, fire, and other claims.	do	ME.
(b) All papers substantiating overcharge, loss and damage, personal injury, fire, and other claims, whether such papers are filed separately or attached to vouchers. See item C-4(b).	do	ME.

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (sec. 249.23)
I. TARIFFS AND RATES		
1. Tariffs, classifications, division sheets, and circulars in which the freight forwarders are interested relative to the transportation of property in the general files of the department in which the complete official file is maintained.	3 years after expiration or cancellation.	ME.
2. Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same issues of such tariffs, etc., are preserved in the general files referred to in item 1 above.	Until expiration or cancellation.	
3. Special or reduced-rate orders and supporting papers, covering the movement of property.	3 years.	M-1.
4. Requests and receipts from agents and others for tariffs, classifications, division sheets, and circulars.	Optional.	
5. Copies of concurrences and powers of attorney filed with regulatory bodies.	2 years after expiration or cancellation.	ME.
6. Written requests on freight forwarders from persons and companies for quotations of rates and copies of freight forwarder's quotations.	Optional.	
7. Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, division sheets, and circulars affecting the transportation of property.	3 years after cancellation or expiration of tariff.	ME.
J. REPORTS AND RELATED STATISTICS		
1. Annual reports to regulatory bodies, file copies of.	10 years.	M-6.
2. Quarterly reports to regulatory bodies, file copies of, and supporting papers.	3 years.	M.
3. Annual reports or statements to stockholders, file copies of.	Permanently.	M-6.
4. Accountants' and auditors' reports:		
(a) Certifications and reports of all examinations and audits conducted by public and certified public accountants.	3 years.	M-1.
(b) Reports of examinations and audits conducted by internal auditors and others.	do.	M-1.
5. Accident reports, file copies of and supporting papers.	do.	M-1.
6. All other financial operating and statistical statements or reports and supporting papers.	do.	M.
7. Tabulating cards, tapes, and other media used in the compilation of statistics and other data when the results are transcribed to other records covered by these regulations.	Until appropriate summaries have been made.	
K. MISCELLANEOUS		
1. Correspondence and records thereof pertaining to the items listed herein.	Same period prescribed for the items to which related.	As may be permitted for items to which related.
2. Duplicate copies of accounts, records, and memoranda listed in these regulations, if all information on such duplicates is contained on the originals or other copies retained, and if such duplicates are not specifically provided for in these regulations.	Optional.	
3. Written authorizations and certificates of destruction of accounts, records, and memoranda required by the regulations.	Permanently.	M-2.
4. Organization manuals, handbooks, circulars and other instructions issued to employees on matters pertaining to the business of the freight forwarder.	3 years after expiration or cancellation.	ME.

INDEX TO RECORDS

A—Administrative and corporate:

1. Incorporation and reorganization.
2. Titles, franchises and licenses.
3. Contracts and agreements.
4. Corporate elections.
5. Minutes of meetings.
6. Communications code and cipher books.

B—Treasury:

1. Capital stock records.
2. Bond or other long-term debt records.
3. Authorization from regulatory bodies for issuance of securities.
4. Registration statements filed with SEC.
5. Records of securities owned or held by custodians.
6. Statements of funds and deposits.

C—Financial accounting records:

1. Ledgers.
2. Journals.
3. General and subsidiary cash books.
4. Voucher distribution registers.
5. Vouchers.
6. Accounts receivables and payables.
7. Working or petty cash funds.
8. Uncollectible accounts.

D—Payrolls and personnel:

1. Payroll records.
2. Personnel records.

E—Equipment and other property:

1. Records, reports and statements showing cost or inventory value.
2. Records and memoranda pertaining to depreciation, retirements and replacements.
3. Contracts and agreements relating to construction, acquisition or sale.

F—Purchases and stores:

1. Records of materials and supplies inventory.
2. Bids, offers and orders pertaining to sale or purchase of materials and supplies.
3. Materials and supplies received and issued.

G—Insurance, taxes and claims:

1. Insurance records.
2. Tax records.
3. Claims records.

H—Shipping and agency documents:

1. Bills of lading and releases.
2. Freight waybills and freight bills.
3. Freight records and reports.
4. Agents' remittance slips and bank deposit slips.

5. Agents' balance sheets.
6. Miscellaneous records pertaining to agents' accounts.
7. Instructions to agents and representatives.
8. Information to the public.
9. Other agency records.

I—Tariffs and rates:

1. Tariffs and classifications—originals.
2. Tariffs and classifications—duplicates.
3. Special or reduced—rate orders.
4. Requests and receipts for tariffs and classifications.
5. Concurrences and powers of attorney.
6. Written requests for quotations and copies of quotations.
7. Correspondence and working papers in connection with tariffs.

J—Reports and related statistics:

1. Annual reports to regulatory bodies.
2. Quarterly reports to regulatory bodies.
3. Annual reports or statements to stockholders.
4. Accountants' and auditors' reports.
5. Accident reports.
6. Other financial and statistical statements.
7. Tabulating cards, tapes and other media.

K—Miscellaneous:

1. Correspondence relating to records.
2. Duplicate copies of records.
3. Authorizations and certificates for destruction of records.
4. Organization manuals.

§ 249.28 Effective date.

This subpart shall become effective The retention requirements prescribed in this subpart shall be applicable to all records remaining in the custody of any freight forwarder, subject to its provisions, upon the effective date of this subpart as well as to all records subsequently acquired. With respect to individual records, each retention period herein prescribed shall commence upon the date when the records are created or otherwise come into the possession of the freight forwarder.

[F.R. Doc. 65-2070; Filed, Mar. 2, 1965; 8:45 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 39]

[Docket No. 6501]

AIRWORTHINESS DIRECTIVES

Lockheed Models 18, PV-1, and PV-2 Series Aircraft

The Federal Aviation Agency has under consideration a proposal to amend Part 39 of the Federal Aviation Regulations to revise Amendment 34, 24 F.R. 6581, AD 59-16-2, as amended by Amendment 50, 24 F.R. 8928, for Lockheed Models 18, PV-1, and PV-2 Series aircraft. AD 59-16-2 requires that the horizontal stabilizer front and rear spar flanges and webs on Lockheed Models 18, PV-1 and PV-2 Series aircraft be inspected for cracks in the region of the vertical fin attaching angles and repaired if cracks are found. Subsequent to the issuance of AD 59-16-2

the Agency determined that the horizontal stabilizer of the Model PV-2 is structurally different from the Models 18 and PV-1, and incorporates strength equivalent to that required by the AD. Therefore, the AD need not apply to the Model PV-2. On the other hand, it has been determined by a review of available data that the Model B-34 is basically similar to the Model PV-1 and should have been included in the original AD. Therefore, it is proposed to amend the applicability provision of the directive to include the Model B-34 Series aircraft and to delete the PV-2 Series aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Agency, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C., 20553. All communications received on or before April 2, 1965, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (72 Stat. 752, 775, 776; 49 U.S.C. 1354(a), 1421, 1423).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 (14 CFR Part 39), as follows:

Amendment 34, 24 F.R. 6581, AD-59-16-2, as amended by Amendment 50, 24 F.R. 8928, Lockheed Models 18, PV-1, and PV-2 Series aircraft, is further amended by changing the applicability statement to read:

Applies to Models 18, PV-1, and B-34 Series aircraft except those incorporating spar reinforcement as covered in Lockheed Aircraft Service Bulletin 18/SB-112.

Issued in Washington, D.C., on February 25, 1965.

HARRY A. TURNPAUGH,
Acting Director,
Flight Standards Service.

[F.R. Doc. 65-2158; Filed, Mar. 2, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 450]

[Docket No. 34558]

PRESERVATION OF RECORDS OF FREIGHT FORWARDERS

Notice of Proposed Rule Making

FEBRUARY 12, 1965.

Notice is hereby given that the Interstate Commerce Commission has under consideration a comprehensive modification of the existing Regulations to Gov-

ern the Preservation of Records of Freight Forwarders.

The purpose of this modification is to (1) update the existing rules in the light of present-day conditions, and (2) to standardize the general instructions and record-retention requirements applicable to forwarders with similar requirements to be prescribed by the Civil Aeronautics Board. This standardization will relieve the situation in the case of those Federal-regulated freight forwarders serving both surface and air transportation.

The retention periods heretofore specified for preservation of records are substantially reduced for many records. Rules are prescribed authorizing making of photographic copies of records and maintaining the microfilm in lieu of original records. Complete details of the modifications in the regulations are set forth in the statement attached hereto.

Freight forwarders affected by the proposed rule herein and other interested parties who desire to do so may present written views or comments for our consideration as soon as practicable and not later than April 1, 1965. The Commission will consider all responses and presentations before deciding the matter herein, after which such order as may be found appropriate will be entered. An original and six copies of any such response should be submitted.

Notice of this proposed modification to the existing regulations shall be given to all freight forwarders hereby affected and to the general public by depositing this Notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing this Notice with the Director, Office of the Federal Register.

(Sec. 403, 56 Stat. 285, as amended; 49 U.S.C. 1003. Interpret or apply sec. 412, 56 Stat. 294, as amended; 49 U.S.C. 1012)

By the Commission, Division 2.

[SEAL]

BERTHA F. ARMES,
Acting Secretary.

Sec.

- 450.1 Introduction.
- 450.2 Authority to destroy records.
- 450.3 Photographic copies.
- 450.4 Supervision of destruction.
- 450.5 List of records destroyed.
- 450.6 Freight forwarder going out of business.
- 450.7 Prescribed periods of retention.

§ 450.1 Introduction.

The regulations of this part specify the records and documents which may be destroyed and prescribe the length of time the same shall be preserved, but mention of a record or document herein-after imposes no requirement that such record shall be installed if its purpose is otherwise being adequately served. Nothing contained in the regulations of this part shall be construed to excuse noncompliance with requirements of any other governmental body, Federal or State, prescribing longer retention periods for any category of records.

§ 450.2 Authority to destroy records.

(a) *General authority.* Freight forwarders subject to the regulations of this part may destroy records or documents named or described in these regu-

lations after they have been preserved for the periods of time herein prescribed.

(b) *Special authority.* A freight forwarder subject to the provisions of the regulations of this part proposing to destroy records or documents which are not named or described in the regulations of this part or which, if named or described, are of a character that they are no longer needed for the prescribed periods of years because of retirement of property, or the information is sufficiently available in other records to be kept for required periods of years, or other good cause, may request special authority to destroy such records or documents. Applications for such special authority shall list in detail the records or documents to be destroyed and shall demonstrate that unusual circumstances warrant a departure from prescribed retention periods, and that compliance with such prescribed requirements would impose an unreasonable burden upon the carrier.

§ 450.3 Photographic copies.

(a) All records and documents must be preserved in their original form for the periods specified in the "Schedule of Records" unless the records and documents are suitably photographed and the microfilm is retained in lieu of the original record for the required retention period, subject to the limitations indicated below. A "Microfilm indicator" has been added to the "Schedule of Records" to show when microfilms may be substituted for retention of the original record. In the absence of an indicator, microfilms may not be substituted for the original records unless special permission is granted pursuant to § 450.2(b).

(b) An explanation of the symbols used as the microfilm indicators follows:

"M" (for Microfilm) indicates that microfilms may be substituted for retention of the original records at any time.

"M-1", "M-2", etc., indicates that microfilms may be substituted for retention of the original records only after the original records have been retained in their original form for the number of years corresponding to the numeral.

"ME" (for Microfilm and for Expiration) indicates that microfilms may be substituted for retention of the original records only for the period subsequent to the expiration, cancellation, superseding, or other condition shown in the column for "Retention periods" in the "Schedule of Records." Thus, for item A-3(b) microfilms are not acceptable as a substitute for the contracts until they have expired or have been canceled. At that time microfilms may be substituted for the original contracts for the required 3 years after the expiration or cancellation.

(c) To be acceptable in lieu of original records, photographic copies of records must meet the following minimum requirements:

(1) Photographic copies shall be no less readily accessible than the original record or document as normally filed or preserved would be, and suitable means or facilities shall be available to locate, identify, read or reproduce such photographic copies.

(2) Any significant characteristic, feature, or other attribute of the original record or document, which photography

in black and white will not preserve, shall be clearly indicated before the photograph is made.

(3) The reverse side of printed forms need not be copied if nothing has been added to the printed matter common to all such forms, but an identified specimen of such form shall be on the film for reference.

(4) Film used for photographing copies shall be of permanent record type meeting in all respects the minimum specifications of the National Bureau of Standards, and all processes recommended by the manufacturer shall be observed to protect it from deterioration or accidental destruction.

(5) Each roll of film shall include a microfilm of a certificate or certificates stating that the photographs are direct and facsimile reproductions of the original records and that they have been made in accordance with prescribed instructions. Such certificate or certificates shall be executed by a person or persons having personal knowledge of the facts covered thereby.

§ 450.4 Supervision of destruction.

(a) Immediately upon the effective date of the regulations of this part, each freight forwarder subject thereto shall appoint an officer or other responsible supervisory employee to supervise the destruction of records and documents. Such appointment shall be by formal corporate act of the board of directors or its executive committee. Designation may be made by title only, rather than by name and title, and thus obviate the necessity for a new resolution or order each time a successor is appointed. An existing appointment in conformity with the procedure indicated herein which was made under prior regulations shall be recognized as being in compliance with the regulations herein.

(b) If the property of a freight forwarder subject to the regulations of this part is in the hands of a trustee, executor, administrator, or assignee, the officer or other responsible employee to have supervision of the destruction of records and documents shall be designated by such trustee, executor, administrator, or assignee.

(c) It is not required that a copy of the resolution or order of appointment be filed with the Commission.

§ 450.5 List of records destroyed.

(a) The supervising officer or other designated employee shall maintain a comprehensive list describing all records and documents which have been destroyed pursuant to the regulations of this part. The list so maintained shall include all records and documents destroyed, including microfilms destroyed. This list shall include form numbers and descriptive titles (or descriptions) of the records destroyed and the periods covered.

(b) The list so maintained shall be available for inspection in the office of the supervising officer or employee and shall be in such detail that the destroyed records or documents may be identified and the time, place, and method of destruction can be established. If the destruction is by accident or at the hand of

an unauthorized person not subject to the freight forwarder's control, then the list shall include a statement of the relevant circumstances.

§ 450.6 Freight forwarder going out of business.

The records and documents herein referred to may be destroyed after business is discontinued and the freight forwarder is completely liquidated. The records may not be destroyed until dissolution is final and all transactions are completed.

When a freight forwarder is merged with another regulated company, the successor company shall preserve records and documents of the merged company in the manner and for the retention periods prescribed herein.

§ 450.7 Prescribed periods of retention.

The following is a list showing category of records and documents, the retention periods, and the microfilm indicators. The microfilm indicator is explained in § 450.3 herein.

SCHEDULE OF RECORDS

Item number and category of records	Retention periods	Microfilm indicator (see 450.3)
A. ADMINISTRATIVE AND CORPORATE		
1. Incorporation and reorganization:		
(a) Charter or certificate of incorporation and amendments thereto.	Permanently	
(b) Legal documents in connection with mergers, consolidations, reorganization, receiverships and similar actions which affect the identity or organization of the company.	do	M-6
2. Titles, franchises, and licenses:		
(a) Certificates of public convenience and necessity issued by regulating bodies.	Until expiration or cancellation	
(b) Copies of formal orders of regulatory bodies served upon the freight forwarder.	1 year after expiration or cancellation	ME
(c) Operating authorizations and exemptions to operate issued by regulating bodies.	Until expiration or cancellation	
(d) Deeds and other title papers.	3 years after disposition of property	ME
3. Contracts and agreements (see also other pertinent categories):		
(a) Service contracts, such as for operational management, accounting, financial or legal service, or for rental or lease of property or equipment, or records of such contracts, leases or agreements.	3 years after expiration or cancellation	ME
(b) Contracts with other carriers for interchange or joint use of property.	do	ME
(c) Complete files and related papers of contracts entered into by competitive bidding under the provisions of Section 10 of the Clayton Antitrust Act.	Shall not be broken up or destroyed without specific written authority.	
4. Corporate elections:		
(a) Proxies of holders of voting securities.	3 years	M-2
(b) Lists of holders of voting securities represented at meetings.	do	M-2
(c) Ballots cast and tabulations of votes.	do	M-2
(d) Judges' reports of election results.	do	M-6
5. Minutes of meetings of stockholders, directors, executive or other directors' committees, or other meetings.	Permanently	
6. Communications code and cipher books.	Until 2 years after change.	ME
B. TREASURY		
1. Capital stock records:		
(a) Detailed capital stock journals, ledgers or their equivalents.	Permanently	M-3
(b) Capital stock certificates, stubs or similar records of.	do	M-3
NOTE: If the information shown on the stubs is recorded in permanent records, the stubs are required to be retained only for a period of 3 years.		
(c) Subscription notices and requests for allotment.	3 years	M
(d) Stock transfer registers.	Permanently	M-3
(e) Papers pertaining to or supporting transfers of capital stock.	3 years	M
(f) Cancelled capital stock certificates.	do	M
2. Bond or other long-term debt records:		
(a) Bond indentures, underwriting, mortgage, and other long-term credit agreements.	Permanently	M-6
(b) Bond or other long-term debt detailed journals, vouchers and ledgers or their equivalents.	3 years after redemption	ME
(c) Stubs or similar records of bonds or other long-term debt issued.	Permanently	M-3
NOTE: If the information shown on the stubs is recorded in permanent records, the stubs are required to be retained only for a period of three years.		
(d) Subscription notices and requests for allotment.	3 years	M
(e) Records of interest paid and unpaid.	do	M
(f) Papers pertaining to or supporting transfer of bonds.	do	M
(g) Cancelled bonds, mortgages, notes or other long-term debt, and interest coupons.	do	ME
3. Authorization from regulatory bodies for issuance of securities including applications, reports and supporting papers.	1 year after expiration	
4. Copies of registration statements and other data filed with the Securities and Exchange Commission and supporting papers in connection with offerings of securities for sale to the public or the listing of securities on exchange.	6 years	M-3
5. Records of securities owned or held by custodians, detailed ledgers and journals, or their equivalents.	3 years after the related securities are sold, redeemed or otherwise disposed of.	ME
6. Statements of funds and deposits:		
(a) Statements from depositaries on funds received, disbursed and transferred.	3 years	M
(b) Authorization for transfer of funds from one depositary to another.	1 year after expiration	ME
(c) Periodical statements of the receipt and disbursement of funds.	1 year	M
(d) Bank deposit books, stubs, ledgers, or records of checks, and copies of deposit slips.	3 years	
(e) Bank reconciliations; checks, drafts, etc., issued and not presented.	do	M-2

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (sec. 450.3)
B. TREASURY—Continued		
6. Statements of funds and deposits—Continued (1) Records pertaining to verification of treasurers' cash or securities.	3 years for records of cash. 3 years after disposition of securities.	M. ME.
C. FINANCIAL ACCOUNTING RECORDS		
1. Ledgers: (a) General and subsidiary ledgers and indexes thereto. (b) Balance sheets and trial balance sheets of general and subsidiary ledgers.	Permanently. 5 years.	M-10. M-8.
2. Journals (except as otherwise provided herein): (a) General journals. (b) Subsidiary journals and any supporting papers necessary to explain journal entries. (c) Schedules of recurring or standard journal entries and entry numbers.	Permanently. 10 years.	M-4. M-4.
3. General and subsidiary cash books, except cash books at agencies provided for under item B-4.	Until superseded.	M-4.
4. Voucher distribution registers or their equivalent.	Permanently.	M-4.
5. Vouchers: (a) Voucher indexes. (b) Vouchers, expenditure authorizations, detailed distribution sheets and other supporting papers, including original bills and invoices, except as otherwise provided herein. (c) Receipts for cash paid out. (d) Reports of drafts issued by claim agents, terminal and station agents, and others.	3 years. 1 year.	M-2.
6. Accounts receivables and payables: (a) Trade accounts receivable or payable, detailed journal and ledger or their equivalents, with supporting papers, receivable or payable, detailed journal and ledger or their equivalents, together with supporting papers. (b) General ledger, receivable or payable, detailed journal and ledger or their equivalents, together with supporting papers. (c) Bills issued for collection and supporting papers. (d) Statements of receipts, disbursements, and balances of working or petty cash funds in hands of employees, and supporting papers.	3 years. 3 years.	M-2. M-2.
7. Uncollectible accounts: (a) Reports and statements showing age and status of accounts receivable. (b) Authorizations for writing off accounts receivable.	1 year. do.	M. M.
D. PATROLS AND PERSONNEL		
1. Payroll records: (a) Payroll sheets, registers, or their equivalents, of salaries and wages paid to individual officers and employees. (b) Records showing the distribution to accounts and jobs of the salaries and wages paid to officers and employees for each periodic payroll and summaries or recapitulation statements of such distribution. (c) Original source documents used in the preparation of payrolls such as time and attendance cards or job and cost distribution cards. (d) Payroll authorizations, removals and adjustment notices. (e) Paid checks, receipts for wages paid in cash, and other evidence of payments for services rendered by employees.	3 years. See sec. 450.1. 3 years. do. 1 year. 3 years.	M-2. M-2. M. M. ME.
2. Personnel records: (a) Applications for employment, qualification records, service records, reports and certificates of physical examinations, efficiency tests, and similar records. (b) Contracts and agreements with employees or employee organizations or groups. (c) Employees' welfare and pension records including records on employees' relief, health and insurance, savings, and workmen's compensation accident reports.	1 year after termination of service. 1 year after expiration or cancellation. 3 years.	ME. ME. M-1.

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (sec. 450.3)
E. EQUIPMENT AND OTHER PROPERTY		
1. Records, reports, statements and supporting papers, pertaining to debits and credits to accounts showing the cost or inventory value of property or equipment. Included in supporting papers would be job or work orders, maps, profiles, specifications, estimates, engineering studies, construction bids, and similar records.	3 years after sale or retirement.	ME.
2. Records and memoranda pertaining to depreciation, retirements, and replacements of property.	do.	ME.
3. Contracts and other agreements relating to the construction, acquisition, or sale of property and equipment, except as provided in item A-3(c).	do.	ME.
F. PURCHASES AND STORES		
1. Records of materials and supplies on hand and detail papers of inventories taken.	3 years.	M-2.
2. Bills, orders, copies of orders and correspondence pertaining to the sale or purchase of materials and supplies, except as specified in item A-3(c).	do.	M-4.
3. Materials and supplies received and issued: (a) Records and reports of materials and supplies received and issued. (b) Requisitions and receipts for materials and supplies issued, totals of which have been transcribed into other records for retention.	do. 1 year.	M-1. M.
G. INSURANCE, RATES AND CLAIMS		
1. Insurance records: (a) Beneficiary cards, or other records of insurance policies in force showing coverage, premiums paid, good experience credits and expiration dates. (b) Records of self-insurance provisions and actual losses from damages to persons and property. (c) Insurance policies. (d) Records of losses and recoveries from insurance companies and supporting papers. (e) Records and files of fidelity bonds of employees and others responsible for funds of the freight forwarder.	3 years after policy expires. 3 years. 2 years after expiration. 3 years after settlement. 1 year after expiration of bonds.	ME. M-2. ME. ME. ME.
2. Tax records: (a) Copies of schedules and returns to taxing authorities and supporting working papers, records of appeals, and copies of final determination in form of closing agreements. (b) Copies of schedules and returns to taxing authorities and supporting working papers in connection with taxes collected as agent.	3 years after final settlement. 3 years after settlement.	ME. ME.
3. Claims records: (a) Claims registers, card or book indexes and other records in connection with the recording of overcharges, loss and damage, personal injury, fire, and other claims. (b) All papers substantiating overcharge, loss and damage, personal injury, fire, and other claims, whether such papers are filed separately or attached to vouchers. See item C-5(b). (c) Records showing the details of authorities issued to agents, carriers, and others for participation in freight claims. (d) Reports, statements and other records pertaining to personal injuries, or damage to property in transit, when not necessary to support claims or vouchers. (e) Reports, statements, vouchers, and other records pertaining to unclaimed, over, short, damaged, and released freight, when not necessary to support claims or vouchers. (f) Authorizations for disposal of unclaimed, damaged, and refused freight.	do. do. do. do. 1 year. 3 years.	ME. ME. ME. ME. M. M-1.

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (sec. 430.3)
L. SHIPPING AND AGENCY DOCUMENTS		
1. Bills of lading and releases: (a) Consignee's shipping orders, shipping tickets, and copies of bills of lading and order-notify bills of lading taken up and cancelled; freight bills from other carriers, and other similar documents furnished the carrier for movement of freight. (b) Contracts covering risks of freight forwarders in transportation and storage.	3 years	M-2
2. Freight waybills and freight bills: (a) Original bill waybills and freight bills and audited copies thereof and company freight waybills, freight bills and cargo manifests. (b) Original interline waybills and freight bills received from carriers and copies of those made to carriers. (c) Copies of waybills and freight bills furnished to joint trade associations, bureaus, and similar agencies, if such copies contain no information other than that appearing on the original waybills and freight bills or in other records.	2 years after expiration	ME
3. Freight records and reports: (a) Reports and records of freight forwarded and received. (b) Transit records of freight received from and delivered to carriers. (c) Records pertaining to division or reassignment of freight, including requests, transfers, and other incidents in connection therewith. (d) Records of joint-headed shipments showing: (1) Identity of all participating forwarders. (2) Total poundage of the joint shipment. (3) Poundage contributed by reporting forwarder. (4) Name of carrier transporting the shipment. (5) Amount of charges by the direct carrier on the total shipment, for transportation and other services. (6) Amount of such charges paid by reporting forwarder.	3 years	M-2
4. Agents' remittance slips, bank deposit slips and all supporting papers not provided for elsewhere.	2 years	M-2
5. Agents' balance sheets and supporting papers.	3 years	M-2
6. Miscellaneous records pertaining to agents' accounts: (a) General office records or ledgers of agents' accounts showing debits and credits from various sources. (b) General office records relating to extension of credit for transportation and other charges. (c) Statements of corrections in agents' accounts. (d) Instructions to agents and representatives—bulletins and circulars of instructions to traffic agents and soliciting personnel.	2 years after discontinuance of credit agreement	ME
7. Information to the public—press releases, paid advertisements, pamphlets, brochures, circulars, and bulletins.	3 years	M-2
8. Other agency records at stations or agencies not otherwise provided for herein.	3 years	M-2
I. TARIFFS AND RATES		
1. Tariffs, classifications, division sheets, and circulars in which the freight forwarders are interested relative to the transportation of property in the general lines of the department in which the complete official file is maintained.	3 years after expiration or cancellation	ME
2. Tariffs, classifications, division sheets, and circulars in other departments and at agencies, if copies of the same are referred to in item 1 above.	Until expiration or cancellation	ME
3. Special or reduced-rate orders and supporting papers, covering the transportation of property.	3 years	M-1
4. Records and receipts from agents and others for tariffs, classifications, division sheets, and circulars.	Optional	M-1
5. Copies of concurrences and powers of attorney filed with regulatory bodies.	2 years after expiration or cancellation	ME
6. Written requests on freight forwarders from persons and companies for quotations of rates and copies of freight forwarder's quotations.	Optional	ME

SCHEDULE OF RECORDS—Continued

Item number and category of records	Retention periods	Microfilm indicator (sec. 430.3)
L. TARIFFS AND RATES—Continued		
7. Correspondence and working papers in connection with the making of rates and comparison of tariffs, classifications, division sheets, and circulars affecting the transportation of property.	3 years after cancellation or expiration of tariff.	ME
2. REPORTS AND RELATED STATISTICS		
1. Annual reports to regulatory bodies, file copies of.	10 years	M-4
2. Quarterly reports to regulatory bodies, file copies of, and supporting papers.	3 years	M
3. Annual reports or statements to stockholders, file copies of.	Permanently	M-4
4. Accountants' and auditors' reports: (a) Certifications and reports of all examinations and audits conducted by public and certified public accountants. (b) Reports of examinations and audits conducted by internal auditors and others.	3 years	M-2
5. Accident reports, file copies of, and supporting papers.	do	M-2
6. All other reports, operating and statistical statements.	do	M-2
7. Tariffs, classifications, division sheets, and circulars, if such copies contain no information other than that appearing on the original waybills and freight bills or in other records.	Until appropriate summaries have been made.	M-1
L. MISCELLANEOUS		
1. Correspondence and records thereof pertaining to the items listed herein.	Same period prescribed for the items to which related.	As may be permitted for items to which related.
2. Duplicate copies of accounts, records, and memoranda filed in these regulations, if all information on such duplicates is contained on the originals or other copies retained, and if such duplicates are not specifically provided for in these regulations.	Optional	M-2
3. Written authorizations and certificates of destruction of accounts, records, and memoranda required by the regulations.	Permanently	ME
4. Organization manuals, handbooks, circulars and other instructions issued to employees on matters pertaining to the business of the freight forwarder.	2 years after expiration or cancellation.	ME
INDEX TO RECORDS		
A—Administrative and corporate:		
1. Incorporation and reorganization.	2. Journals.	
2. Titles, franchises and licenses.	3. General and subsidiary cash books.	
3. Contracts and agreements.	4. Voucher distribution registers.	
4. Corporate elections.	5. Vouchers.	
5. Minutes of meetings.	6. Accounts receivables and payables.	
6. Communications code and cipher books.	7. Working or petty cash funds.	
B—Treasury:		
1. Capital stock records.	8. Uncollectible accounts.	
2. Bond or other long-term debt records.	D—Payrolls and personnel:	
3. Authorization from regulatory bodies for issuance of securities.	1. Payroll records.	
4. Registration statements filed with SEC.	2. Personnel records.	
5. Records of securities owned or held by custodians.	E—Equipment and other property:	
6. Statements of funds and deposits.	1. Records, reports and statements showing cost or inventory value.	
C—Financial accounting records:		
1. Ledgers.	2. Records and memoranda pertaining to depreciation, retirements and replacements.	
	3. Contracts and agreements relating to construction, acquisition or sale.	
	F—Purchases and stores:	
	1. Records of materials and supplies inventory.	

2. Bids, offers and orders pertaining to sale or purchase of materials and supplies.
3. Materials and supplies received and issued.
- G—Insurance, taxes and claims:
 1. Insurance records.
 2. Tax records.
 3. Claims records.
- H—Shipping and agency documents:
 1. Bills of lading and releases.
 2. Freight waybills and freight bills.
 3. Freight records and reports.
 4. Agents' remittance slips and bank deposit slips.
 5. Agents' balance sheets.
 6. Miscellaneous records pertaining to agents' accounts.
 7. Instructions to agents and representatives.
 8. Information to the public.
 9. Other agency records.
- I—Tariffs and rates:
 1. Tariffs and classifications—originals.
 2. Tariffs and classifications—duplicates.
 3. Special or reduced-rate orders.
 4. Requests and receipts for tariffs and classifications.
 5. Concurrences and powers of attorney.
 6. Written requests for quotations and copies of quotations.
 7. Correspondence and working papers in connection with tariffs.
- J—Reports and related statistics:
 1. Annual reports to regulatory bodies.
 2. Quarterly reports to regulatory bodies.
 3. Annual reports or statements to stockholders.
 4. Accountants' and auditors' reports.
 5. Accident reports.
 6. Other financial and statistical statements.
 7. Tabulating cards, tapes and other media.
- K—Miscellaneous:
 1. Correspondence relating to records.
 2. Duplicate copies of records.
 3. Authorizations and certificates for destruction of records.
 4. Organization manuals.

[F.R. Doc. 65-2057; Filed, Mar. 2, 1965; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1136]

[Docket No. AO-309-A6]

MILK IN GREAT BASIN MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Hotel Utah Motor Lodge, Section C, West Temple and North Temple Streets, Salt Lake City, Utah, beginning at 9:30 a.m., local time, on March 23, 1965, with respect to proposed amendments to the tentative marketing agreement and to

the order, regulating the handling of milk in the Great Basin marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposal relative to a redefinition of the marketing area raises the issue whether the provisions of the present order would tend to effectuate the declared policy of the Act, if they are applied to the marketing area as proposed to be redefined and, if not, what modifications of the provisions of the order would be appropriate.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by Federated Dairy Farms, Inc., and Hi-Land Dairymen's Association:

Proposal No. 1. Revise § 1136.6 to read as follows:

§ 1136.6 Great Basin marketing area.

"Great Basin marketing area," hereinafter called the "marketing area," means all territory, including all government reservations and installations and all municipalities, within the counties of Box Elder, Cache, Davis, Morgan, Rich, Salt Lake, Tooele, Utah, Wasatch, Weber, Summit, Grand, Daggett, Duchesne, Carbon, Sanpete, Juab, Millard, Sevier, Uintah, and Emery in the State of Utah; the counties of Bear Lake, Franklin, and Oneida in the State of Idaho; the counties of Elko and White Pine in the State of Nevada; the county of Lincoln and the town of Evanston in Uinta County, in the State of Wyoming.

Proposal No. 2. Amend § 1136.7 to provide that a "producer" shall not include any person with respect to milk which is fully subject to pricing and pooling under Part 1137 of this Chapter, regulating the handling of milk in the Eastern Colorado marketing area.

Proposal No. 3. Revoke §§ 1136.8 and 1136.60.

Proposal No. 4. Revise § 1136.10 to read as follows:

§ 1136.10 Approved plant.

"Approved plant" means a plant from which milk is accepted as qualified for distribution for fluid consumption by a marketing area health authority or an agency of the United States Government and (a) in which milk or milk products are processed or packaged and from which any fluid milk product is disposed of during the month on routes in the marketing area, or (b) in which milk is received or processed and from which milk or skim milk is shipped during the month to a plant described in paragraph (a) of this section.

Proposal No. 5. Revise § 1136.11(a) to read as follows:

§ 1136.11 Pool plant.

(a) An approved plant, except the plant of a producer-handler as described

in § 1136.8, and the plant of a college or university, from which during the month there is disposed of on routes fluid milk products, including inter-order transfers, equal to not less than 50 percent of the receipts during the month at such plant of producer milk, producer milk diverted therefrom by the plant operator and receipts at the plant of fluid milk products from plants described pursuant to paragraph (b) of this section, and there are disposed of on routes in the marketing area fluid milk products equal to not less than 15 percent of the total fluid milk product disposition from the plant on routes. If any cooperative association operating a pool plant pursuant to this paragraph causes producer milk to be delivered to a pool plant pursuant to this paragraph operated by another handler, such producer milk shall be included for the computations made pursuant to this paragraph for the cooperative association's pool plant along with the receipts of producer milk at such cooperative association's pool plant, and the quantity of such milk calculated as Class I milk pursuant to § 1136.22(h) shall be included for such computations along with the fluid milk products disposed of on routes from such cooperative association's plant. If such a cooperative association operates more than one pool plant pursuant to this paragraph, such producer milk and Class I milk shall be included in the computation for whichever plant the cooperative association requests in writing to the market administrator. If no such written request is made, such producer milk and Class I milk shall be prorated among the plants. If a handler operates more than one approved plant, the combined receipts and disposition of any of such plants may be used as the basis for qualifying the respective plants pursuant to the preceding computations specified in this paragraph if the handler in writing so requests the market administrator. Any approved plant from which the total route disposition of fluid milk products is to individuals or institutions for charitable purposes and is without remuneration from such individuals or institutions shall not qualify as a pool plant pursuant to this paragraph.

Proposal No. 6. Further amend § 1136.11(a) to provide that the operator of a pool plant, may, upon application to the market administrator, have geographically separated operations under his sole control, used primarily in the storage and distribution of his fluid milk products, be considered as part of his pool plant.

Proposal No. 7. Revise § 1136.13 (a) and (b) to read as follows:

§ 1136.13 Producer milk.

(a) Received from producers at a pool plant but not including producers for which another person is the handler pursuant to § 1136.9(c): *Provided*, That milk received at a pool plant by diversion from a plant at which such milk would be fully subject to pricing and pooling under the terms and provisions of Part 1137 of this chapter, regulating the

handling of milk in the Eastern Colorado marketing area, shall not be producer milk;

(b) Diverted by a handler (not as the operator of a nonpool plant) from a pool plant to a nonpool plant or to a receiving facility not approved for handling milk for fluid consumption located at another pool plant in an amount equal to not more than the following:

(1) For a handler pursuant to § 1136.9 (a) 25 percent of the producer milk received from producers who are not members of a cooperative association; or

(2) For a handler pursuant to § 1136.9 (a) or (b), 25 percent of the producer milk of members of such cooperative association: *Provided*, That such diverted milk shall be accounted for as a receipt of producer milk by the handler diverting the milk.

(3) Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member-producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning over-diverted milk to the producer members of each cooperative according to a method approved by the market administrator; and

Proposal No. 8. Revise § 1136.14(b) to read as follows:

§ 1136.14 Other source milk.

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month. Any such products which are purchased or received and cannot be accounted for as used or disposed of will be deemed to have been reprocessed or converted to another product.

Proposal No. 9. Revise § 1136.15 to read as follows:

§ 1136.15 Fluid milk products.

"Fluid milk products" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, concentrated milk (fresh or frozen) fortified milk or skim milk, reconstituted milk or skim milk, or any mixture in fluid form of milk, skim milk and cream (except ice cream, ice cream mix, eggnog, aerated cream, evaporated or condensed milk (plain or sweetened), and sterilized products in hermetically sealed containers).

Proposal No. 10. Revise the introductory text of § 1136.30(a) preceding sub-

paragraph (1) of this paragraph to read as follows:

§ 1136.30 Reports of sources and utilization.

(a) On or before the seventh day after the end of each month, each handler shall file with the market administrator either (1) a report for each of his pool plants, or (2) a consolidated report covering all of his pool plants, in the detail and on forms prescribed by the market administrator as follows:

Proposal No. 11. Amend § 1136.41(a) and (c) to provide that fluid milk products disposed of in bulk form to a candy manufacturer who has no other use for such products be classified as Class III milk.

Proposal No. 12. Revise § 1136.41(b) to read as follows:

§ 1136.41 Classes of utilization.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat used to produce cottage, cream, pot, or baker's cheese or similar soft curd cheese or sour cream.

Proposal No. 13. Amend § 1136.41(c) (3) and (4) to indicate that skim milk in only fluid milk products which are disposed of for livestock feed or dumped are to be classified as Class III milk.

Proposal No. 14. Revise § 1136.41(c) (5) to read as follows:

§ 1136.41 Classes of utilization.

(c) * * *

(5) In shrinkage of skim milk and butterfat, respectively, computed separately for each plant, or for all plants of a handler, assigned pursuant to § 1136.45(b) (1), but not to exceed the following:

(i) Two percent of producer milk (except diverted milk); plus

(ii) One and one-half percent of milk received in bulk tank lots from other pool plants, plus

(iii) One and one-half percent of milk received from a cooperative association which is the handler for such milk pursuant to 1136.9(c) (except that if the handler operating the pool plant files notice with the market administrator that he is purchasing such milk on the basis of farm weights, the applicable percentage shall be two percent); plus

(iv) One and one-half percent of receipts of fluid milk products in bulk from unregulated supply plants, exclusive of the quantity for which Class II or Class III utilization was requested by the handler; less

(v) One and one-half percent of milk disposed of in bulk tank lots to pool

plants of other handlers (except when the preceding exception hereof applies, the applicable percentage shall be two percent).

Proposal No. 15. Revoke § 1136.42(a) (3).

Proposal No. 16. Amend § 1136.44 to provide that other source milk received in the form of cottage cheese from pool plants of other handlers will be allocated immediately after the allocation made at § 1136.44(a) (2) to any remaining Class II milk, and then to Class III milk.

Proposal No. 17. Revise § 1136.44(a) (3) (iii) to read as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

(a) * * *

(3) * * *

(iii) Receipts of fluid milk products from a producer-handler as defined under this or any other Federal order or from a plant described in the last sentence of § 1136.11(a);

Proposal No. 18. Amend § 1136.44(a) by renumbering subparagraph (8) of this paragraph as subparagraph (6) and renumbering subparagraphs (6) and (7) as subparagraphs (7) and (8), respectively.

Proposal No. 19. Add a new section, § 1136.88, to provide that amounts owed by any handler to the market administrator pursuant to §§ 1136.82, 1136.84, 1136.85 or 1136.86, which remain unpaid on the first day of the month following their due date, shall at that time accrue an additional charge equal to 0.5 percent of the overdue balance.

Proposed by Heber Valley Milk Company:

Proposal No. 20. Revoke § 1136.85.

Proposed by Dairy Division, Consumer and Marketing Service:

Proposal No. 21. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, John B. Rosenbury, 1477 South 11th East, Salt Lake City, Utah, 84105, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C., 20250, or may be there inspected.

Signed at Washington, D.C., on February 26, 1965.

CLARENCE H. GIBARD,
Deputy Administrator,
Regulatory Programs.

[F.R. Doc. 65-2212; Filed, Mar. 2, 1965; 8:48 a.m.]

Notices

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

ISLAND MANAGERS, PRIBILOF ISLANDS

Redelegation of Authority To Issue Landing Permits

On page 4075 of the Thursday, May 11, 1961, issue of the FEDERAL REGISTER there were published delegations of authority regulations based on the authority of the Director, Bureau of Commercial Fisheries to issue such regulations. These regulations are hereby amended to provide for the redelegation of authority to the Island Managers, Pribilof Islands, to issue landing permits.

SERIES 2000—ADMINISTRATION

TITLE 2500—PROPERTY UTILIZATION

CHAPTER 2510—DELEGATION OF AUTHORITY

2511.2 General Delegation.

H. Issuance of Permits. The Deputy Director, Assistant Director for Administration, Assistant Director for Resource Development, and the Regional Director, Region 1, Seattle, Wash., may issue permits to Federal or State organizations, common carriers and individuals for landing and remaining on the Pribilof Islands and to individuals to kill, capture, transport, import, offer for sale, or possess fur seals or fur seal skins in accordance with the Fur Seal Act of February 26, 1944 (58 Stat. 100, 16 USC secs. 631, et seq.).

2511.3 Redelegation.

D. The authority granted in 2511.2H—Issuance of Permits, may be redelegated to the Deputy Regional Director, the Assistant Regional Director for Administration, the Program Director, Marine Mammal Resources, Region 1, and the Managers, respectively, of St. Paul Island and St. George Island, Pribilof Islands.

H. E. CROWTHER,

Acting Director,

Bureau of Commercial Fisheries.

FEBRUARY 25, 1965.

[P.R. Doc. 65-2178; Filed, Mar. 2, 1965; 8:47 a.m.]

National Park Service

[Order 1]

MANAGEMENT ASSISTANT; ARKANSAS POST NATIONAL MEMORIAL

Delegation of Authority Regarding Execution of Contracts for Supplies, Equipment or Services

1. Management Assistant. The Management Assistant may issue purchase orders not in excess of \$300 for supplies

or equipment in conformity with applicable regulations and statutory authority and subject to availability of allotted funds.

(National Park Service Order No. 14 (19 P.R. 8824), as amended; 39 Stat. 535, 16 U.S.C., sec. 2; Southeast Region Order No. 3 (21 P.R. 1493))

Dated: January 25, 1965.

BERNARD T. CAMPBELL,
Superintendent,
Hot Springs National Park.

[P.R. Doc. 65-2171; Filed, Mar. 2, 1965; 8:46 a.m.]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 51]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through February 23, 1965, exclusive of those vessels that called at Cuba on United States Government-approved noncommercial voyages and those listed in section 2. Pursuant to established United States Government policy, the listed vessels are ineligible to carry United States Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP

	Gross tonnage
Total, all flags (237 ships) ..	1,641,146
British (77 ships) ..	568,106

**Amalia (now Maltese flag).	
**Amazon River (now River—sold to Dutch breakers) ..	7,234
Antarctica ..	8,785
Ardenode ..	7,036
Ardgem ..	6,981
Ardmore ..	4,664
Ardpatrick ..	7,054
Ardrowan ..	7,300
Ardsirod ..	7,025
Ardtara ..	5,795
**Arlington Court (now Southgate—British flag) ..	
Athelcrown (Tanker) ..	11,149
Athelduke (Tanker) ..	9,089
Athelmere (Tanker) ..	7,524
Athelmonarch (Tanker) ..	11,182
Athelsultan (Tanker) ..	9,149
Avisfaith ..	7,868
Baxtergate ..	8,813
Canuk Trader ..	7,151
**Chipbee (now Stanwood—Liberian flag) ..	7,271
**Cosmo Trader (trips to Cuba under ex-name, Ivy Fair—British flag) ..	

**Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

British—Continued	Gross tonnage
Dairen ..	4,939
East Breeze ..	8,708
Eastfortune ..	8,789
Eirini ..	7,402
Formentor ..	8,424
Free Enterprise ..	8,807
Free Merchant ..	5,237
**Garthdale (now Jeb Lee—British flag) ..	7,542
Grosvenor Mariner ..	7,026
Hazelmoor ..	7,907
Helka ..	2,111
Hemisphere ..	8,718
Ho Fung ..	7,121
Inchstaffa ..	5,255
**Ivy Fair (now Cosmo Trader—British flag) ..	7,201
**Jeb Lee (trip to Cuba under ex-name, Garthdale—British flag) ..	
Kinross ..	5,388
**Kirriemoor (now Jhelum—Pakistani flag) ..	5,923
La Hortensia ..	9,486
Linkmoor ..	8,236
Magister ..	2,339
Maratha Enterprise ..	7,166
Nancy Dee ..	6,597
*Nebula ..	8,924
Newdene ..	7,181
Newforest ..	7,185
Newgate ..	6,743
Newglade ..	7,368
Newgrove ..	7,172
Newheath ..	5,891
Newhill ..	7,855
Newlane ..	7,043
Newmeadow ..	5,654
Newmoat ..	7,151
Oceanramp ..	6,185
Oceanravel ..	10,477
Peony ..	9,037
Redbrook ..	7,388
Ruthy Ann ..	7,361
**St. Antonio (now Maltese flag) ..	
Sandsend ..	7,236
Santa Granda ..	7,229
Sea Amber ..	10,421
Sea Coral ..	10,421
Sea Empress ..	10,074
Shienfoen ..	7,127
Shun Fung ..	7,148
Sociyve ..	7,291
**Southgate (previous trips to Cuba under ex-name, Arlington Court—British flag) ..	9,662
Stanwear ..	8,108
Suva Breeze ..	4,970
Swift River ..	7,251
**Thames Breeze ..	7,878
**Timlos Stavros (now Maltese flag—Previous trips to Cuba under Greek flag) ..	5,269
Venice ..	8,611
Vercharmian ..	7,265
Vermont ..	7,381
West Breeze ..	8,718
Yungfuty ..	5,388
Yunglutaton ..	5,414
Zela M. ..	7,237
Lebanese (58 ships) ..	388,660
Agia Sophia ..	3,106
Aiolos II ..	7,256
Ais Giannis ..	6,997
Akamas ..	7,285
Al Amin ..	7,186
Alaska ..	6,989

*Added to Report No. 50, appearing in the FEDERAL REGISTER issue of February 17, 1965.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Lebanese—Continued	
Anthas	7,044
Antonis	6,259
Ares	4,557
Areti	7,176
Aristefs	6,995
Astir	5,324
Athamas	4,729
Carnation	4,884
**Christos (trip to Cuba under ex-name, Pamit—Greek flag).	
Clair	5,411
Cris	6,032
Dimos	7,187
Free Trader	7,067
Giorgos Tsakiroglou	7,240
Granikos	7,282
Ilena	5,925
Ioannis Aspiotis	7,297
Kalliope D. Lemos	5,103
Katerina	9,357
Leftie	7,176
Malou	7,145
Mantric	7,255
Maria Renee	7,203
Marichristina	7,124
Marymark	4,383
Mersinidi	6,782
Mimosa	7,314
Mousse	6,984
Nictric	7,296
Noelle	7,251
Noemi	7,070
Olga	7,199
Panagos	7,133
Parmarina	6,721
**Razani (broken up)	
Reneka	7,250
Rio	7,194
St. Anthony	5,349
St. Nicolas	7,165
San George	7,267
San John	5,172
San Spyridon	7,260
Steve	7,066
Taxiarhis	7,349
Tertric	7,045
Theodoros Lemos	7,198
Theologos	6,529
Toula	4,561
Troyan	7,243
Vassiliki	7,192
Vastric	6,453
Vergillivada	6,339
Yanxilas	10,051

Greek (39 ships) 280,632

Agios Therapon	5,617
Akastos	7,331
Alice	7,189
**Ambassade (sold Hong Kong shipbreakers)	
Americana	7,104
Anacreon	7,359
Anatoli	7,178
**Andromachi (previous trips to Cuba under ex-name, Penelope—Greek flag)	
Antonia	5,171
Apollon	9,744
Armathia	7,091
Athanasios K.	7,216
Barbarino	7,084
Calliope Michalos	7,249
Capetan Petros	7,291
**Embassy (broken up)	
Everest	7,031
Flora M.	7,244
**Gloria (now Helen—Greek flag)	
Helen (trip to Cuba under ex-name, Gloria—Greek flag)	7,128
Irena	7,232

*Added to Report No. 50, appearing in the FEDERAL REGISTER issue of February 17, 1965.
 **Ships appearing on the list that have been scrapped or have had changes in name and/or flag of registry.

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Greek—Continued	
Istros II	7,275
Kapetan Kostis	5,032
Kyra Hariklia	6,888
Maria Theresa	7,245
Marigo	7,147
Maroudio	7,369
Mastro-Stelios II	7,282
**Nicolaos F. (previous trip to Cuba under ex-name, Nicolaos Frangistas—Greek flag).	
**Nicolaos Frangistas (now Nicolaos F.—Greek flag)	
**Pamit (now Christos—Lebanese flag)	
Pantanassa	3,929
Paxoi	7,131
**Penelope (now Andromachi—Greek flag).	
**Plate Trader (trip to Cuba under ex-name, Stylianos N. Vlassopoulos—Greek flag).	
**Presvia (broken up)	
Propontis	10,820
Redestos	7,128
**Sefrios (broken up)	
Sophia	5,911
**Stylianios N. Vlassopoulos (now Plate Trader—Greek flag)	
**Timios Stavros (formerly British flag—now Maltese flag).	
Tina	7,239
Western Trader	7,030

Polish (16 ships) 112,779

Baltyk	7,244
Bialystok	7,362
Bytom	9,268
Chopin	112,779
Chorzow	6,963
Huta Florian	7,173
Huta Labedy	5,967
Huta Ostrowiec	6,987
Huta Zgoda	7,237
Kopalnia Bobrek	7,258
Kopalnia Czeladz	7,221
Kopalnia Miechowice	7,252
Kopalnia Siemianowice	7,223
Kopalnia Wujek	7,165
Piast	7,033
Transportowiec	3,184

Italian (13 ships) 104,492

Achille	6,950
Agostino Bertani	8,380
Andrea Costa (Tanker)	10,440
Aspromonte	7,154
Giuseppe Giulietti (Tanker)	17,519
Mariasusanna	2,479
Montiron	1,595
Nazareno	7,173
Nino Bixio	8,427
San Francesco	9,284
San Nicola (Tanker)	12,461
Santa Lucia	9,278
**Somalia (now Chen Chang—Nationalist Chinese flag)	

Yugoslav (7 ships) 49,926

Bar	7,233
Cavtat	7,266
Cetinje	7,200
Dugi Otok	6,997
Mojkovac	7,125
Promina	6,960
Trebianjica (wrecked)	7,145

French (6 ships) 16,391

Circe	2,874
Enee	1,232
Foulaya	3,739
Mungo	4,820
Nelee	2,874
Neve	852

FLAG OF REGISTRY, NAME OF SHIP—Continued

	Gross tonnage
Moroccan (5 ships)	35,828
Atlas	10,392
Banora	3,214
Marrakech	10,392
Mauritanie	3,082
Toubkal	8,748

Finnish (3 ships) 25,610

Augusta Paulin	7,096
**Hermia (trip to Cuba under ex-name Amfred—Swedish flag).	
Ragni Paulin	6,823
Valny (Tanker)	11,691

Maltese (3 ships) 21,164

**Amalia (previous trips to Cuba under British flag)	
Ispahan	7,156
**St. Antonio (previous trip to Cuba under British flag)	
**Timios Stavros (trips to Cuba under British flag and Greek flag)	

Swedish (3 ships) 17,123

**Amfred (now Hermia—Finnish flag)	
**Atlantic Friend (now Atlantic Venture—Liberian flag)	
Dagmar	7,805

Netherlands (2 ships) 999

Meike	500
Tempo	499

Norwegian (2 ships) 10,002

Ole Bratt	5,232
**Tine (now Jezreel—Panamanian flag)	

Cypriot (1 ship): 7,134

Adelphos Petrakis	7,134
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Israeli (1 ship): 908

Daniela	908
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Kuwaiti (1 ship): 1,392

Maha	1,392
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Nationalist Chinese:

**Chen Chang (trip to Cuba under ex-name, Somalia—Italian flag).

Liberian:

**Atlantic Venture (trip to Cuba under ex-name, Atlantic Friend—Swedish flag).

**Stanwood (trips to Cuba under ex-name, Chippee—British flag).

Panamanian:

**Jezreel (trip to Cuba under ex-name, Tine—Norwegian flag).

Pakistani:

**Jhelum (trip to Cuba under ex-name, Kirriemoor—British flag).

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry United States Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuba trade so long as it remains the policy of the

United States Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuba trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuba trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report: *Gross tonnage*
Greek (1 ship):
Galini 7,266

b. Previous reports:

Flag of registry (total)	Number of ships
British	33
Danish	1
Finnish	1
French	1
German (West)	1
Greek	20
Italian	5
Japanese	1
Lebanese	1
Norwegian	4
Spanish	6

SEC. 3. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through February 23, 1965:

Flag of registry.	Number of trips								Total
	1963	1964					1965		
		Jan.-June	July-Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	
British	133	100	49	14	8	8	8	3	323
Lebanese	64	49	30	3	4	5	7	2	164
Greek	99	16	9	1	1		1		127
Italian	16	10	5		3	2	3	1	40
Spanish	8	8	6	2	1				25
Norwegian	14	7	1	1	1				24
Moroccan	9	5	6	2	1				23
Yugoslav	12	4	5			2			23
French	8	1	4	1	1	2			17
Swedish	3	2				1			6
Finnish	1	1							4
Netherlands			2						4
Israel			1	1		2			4
Kuwait							1	1	2
Cypriot			2						1
Danish			1						1
Danish (West)	1								1
Japanese	1								1
Maltese	1					2	1		3
Subtotal	370	203	121	25	19	24	21	7	790
Polish	18	9	3	1	1	2	2	1	37
Grand total	388	212	124	26	20	26	23	8	827

NOTE: Trip totals in this section exceed ship totals in Sections 1 and 2 because some of the ships made more than one trip to Cuba.

Dated: February 25, 1965.

By order of the Deputy Maritime Administrator.

JAMES S. DAWSON, JR.,
Secretary.

[P.R. Doc. 65-2202; Filed, Mar. 2, 1965; 8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ALLOTMENTS TO STATES FOR PUBLIC COMMUNITY COLLEGES AND PUBLIC TECHNICAL INSTITUTES UNDER TITLE I OF HIGHER EDUCATION FACILITIES ACT OF 1963

Promulgation of Allotment Ratios

Pursuant to section 103 of the Higher Education Facilities Act of 1963, Public Law 88-204, 77 Stat. 363, and on the basis of the average of the incomes per person of the States and of all the States for the three most recent consecutive calendar years for which satisfactory data are available from the Department of Commerce, the following allotment ratios for the States are hereby promulgated, effective with respect to the allotment of

such funds as may be appropriated for the fiscal year ending June 30, 1966:

Alabama	6667
Alaska	4185
Arizona	5533
Arkansas	6667
California	3899
Colorado	4877
Connecticut	3497
Delaware	3333
Florida	5665
Georgia	6291
Hawaii	4909
Idaho	6010
Illinois	3980
Indiana	5008
Iowa	5358
Kansas	5334
Kentucky	6374
Louisiana	6406
Maine	5833
Maryland	4386
Massachusetts	4179
Michigan	4915
Minnesota	5265
Mississippi	6667
Missouri	4920
Montana	5514

Nebraska	5224
Nevada	3357
New Hampshire	5262
New Jersey	3997
New Mexico	6027
New York	3810
North Carolina	6344
North Dakota	5900
Ohio	4907
Oklahoma	5946
Oregon	4924
Pennsylvania	4985
Rhode Island	5015
South Carolina	6667
South Dakota	5953
Tennessee	6403
Texas	5724
Utah	5652
Vermont	5682
Virginia	5823
Washington	4845
West Virginia	6185
Wisconsin	5129
Wyoming	4924
District of Columbia	3333
American Samoa	6667
Guam	6667
Puerto Rico	6667
Virgin Islands	6667

Dated: February 8, 1965.

[SEAL] FRANCIS KEPPEL,
U.S. Commissioner of Education.

Approved: February 23, 1965.

ANTHONY J. CELEBREZZE,
Secretary of Health, Education,
and Welfare.

[P.R. Doc. 65-2201; Filed, Mar. 2, 1965;
8:48 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 65-153]

STANDARD BROADCAST APPLICATION READY AND AVAILABLE FOR PROCESSING

FEBRUARY 25, 1965.

The application listed below is mutually exclusive with the application, File No. BR-851, of the licensee of Station WAMV, East St. Louis, Ill., for renewal of license. The proposal is for the identical facilities of this Class IV station. Therefore, we have this date accepted the application for filing. Similarly, we will accept any other applications for consolidation which meet the requirements of our rules which govern the acceptance of applications.

[New] East St. Louis, Ill.
East St. Louis Broadcasting Co., Inc.
Req: 1490 kc, 250 w, 1 kw-18, U

Accordingly, notice is hereby given that the above application is accepted for filing and that on April 7, 1965, the application will be considered as ready and available for processing, and pursuant to §§ 1.227(b) (1) and 1.591(b) of the Commission's rules, an application, in order to be considered with this application, or with any other application on file by the close of business on April 6, 1965, which involves a conflict necessitating a hearing with this application, must be substantially complete and tendered for filing at the offices of the Commission in Wash-

ington, D.C., by whichever date is earlier: (a) The close of business on April 6, 1965; or (b) the earlier effective cutoff date which this application or any other conflicting application may have by virtue of conflicts necessitating a hearing with applications appearing on previous lists.

The attention of any party in interest desiring to file pleadings concerning the above application pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580 (f) of the Commission's rules for the provisions governing the time of filing and other requirements relating to such pleadings.

Adopted: February 24, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPE,
Secretary.

[P.R. Doc. 65-2173; Filed, Mar. 2, 1965;
8:46 a.m.]

[Dockets Nos. 15861, 15862; FCC 65-147]

CHARLOTTESVILLE BROADCASTING CORP. (WINA) AND WBXM BROAD- CASTING CO., INC.

Memorandum Opinion and Order Designating Applications for Con- solidated Hearing on Stated Issues

In re applications of Charlottesville Broadcasting Corporation (WINA), Charlottesville, Va., Docket No. 15861, File No. BP-15768, has: 1400 kc, 250 w, 1 kw-LIS, U, Class IV; requests: 1070 kc, 5 kw, DA-N, U, Class II; WBXM Broadcasting Company, Inc., Springfield, Va., Docket No. 15862, File No. BP-15808, requests: 1070 kc, 5 kw, D, Class II; for construction permits.

1. The Commission has before it for consideration (a) the above-captioned and described applications; (b) a "Petition to Deny" filed on September 3, 1963, by WBXM Broadcasting Company, Inc. (hereinafter referred to as WBXM Broadcasting); and (c) an "Opposition to the Petition to Deny", filed on September 13, 1963, by Charlottesville Broadcasting Corporation (hereinafter referred to as WINA). The Commission also has before it for consideration a letter, filed on July 31, 1963, by WINA which relates to the Virginia Broadcasting Company application, File No. BP-15949, and a letter in response to the WINA letter, filed on August 9, 1963, by the Virginia Broadcasting Company, licensee of Station WELK, Charlottesville, Va.

2. WBXM Broadcasting Company, Inc. requests that consideration of the question of standing to file its petition be deferred until the decision is rendered by the Court of Appeals for the District of Columbia Circuit in its appeal of the Commission's Order (FCC 62-1052, 24 RR 1540) returning the WBXM Broadcasting application. WINA, in its opposition to the petition to deny, claims that WBXM Broadcasting lacks the requisite standing to file its petition. However, in view of the decision of the U.S. Court of Appeals for the District of Columbia Circuit in the case of *Kessler v. F.C.C.*,

326 F. 2d 673, 1 RR 2d 2061 (1963) and the Commission's subsequent acceptance of its application for filing (the Commission's Order, FCC 64-433, released May 14, 1964), the WBXM Broadcasting application is entitled to a comparative hearing under the case of *Ashbacker Radio Corp. v. F.C.C.*, 326 U.S. 327 (1945) with the mutually exclusive WINA application. WBXM Broadcasting Company, Inc., as a competing applicant, has the status of a "party in interest" entitled to file a pre-grant petition pursuant to section 309(d) of the Communications Act of 1934, as amended, and § 1.580(f) of the Commission's rules.

3. In the petition to deny, WBXM Broadcasting requests that the WINA application be designated for hearing on appropriate issues arising out of the objections raised in the petition. WBXM Broadcasting alleges that the WINA proposal is an inefficient use of the frequency in violation of Note (b) to § 73.24 of the Commission's rules. The WINA application indicates that the proposal will have a nighttime limitation of 31.6 mv/m resulting in a population loss of approximately 28 percent and an area loss of approximately 91.5 percent within its normally protected nighttime contour. The Commission has considered the contentions of the parties as well as the WINA proposal and is of the opinion that a substantial and material question exists as to whether the proposal is an efficient use of the frequency as required by Note (b) to § 73.24 of the Commission's rules. Accordingly, an issue will be specified to determine whether the WINA proposal would be consistent with Note (b) to § 73.24 of the Commission's rules.

4. In view of the substantial geographic separation (approximately 80 miles) of the proposed station locations specified in the above-captioned applications, a clear choice may be made under section 307(b) of the Communications Act of 1934, as amended, assuming the chosen applicant is legally, technically, financially and otherwise qualified. Therefore, as requested by WBXM Broadcasting, an issue will be specified to determine, in the light of section 307(b) of the Act, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

5. The Commission finds that, except as indicated above, there are no other material or substantial questions of fact presented in the petition to deny, filed by WBXM, which would warrant the specification of issues in this proceeding. Accordingly, the petition to deny will be granted to the extent that the WINA application will be designated for hearing in a consolidated proceeding with the WBXM Broadcasting application specifying, among other issues, a § 73.24 (Note (b)) issue as to the WINA proposal and a section 307(b) issue.

6. The Commission also has before it the letter, filed on July 31, 1963 by WINA, requesting that consideration of the application, File No. BP-15949, of the Virginia Broadcasting Company (Station WELK, Charlottesville, Va.) be deferred until the Commission has had an opportunity to grant the WINA application or, in the alternative, that the WELK appli-

cation be designated for hearing in a consolidated proceeding with the WINA application. As grounds for the request, WINA noted that its application, when filed, complied with the Note to § 1.571 of the Commission's rules as in force prior to July 1, 1964, which set forth the interim criteria governing the acceptance of standard broadcast applications during the AM "freeze". This included the requisite showing as to "white area" coverage. WINA contends that a grant of the WELK application prior to a grant of the WINA application would affect the "white area" status of certain portions of the coverage area proposed to be served by the WINA application. Such grant, WINA contends, would deprive WINA of its right to comparative consideration with the WELK application under the Ashbacker doctrine.¹ The Virginia Broadcasting Company filed a letter in opposition to the WINA request. It has been the Commission's long-standing position that it is not required to maintain the status quo with respect to all facts which may be relevant to a determination on a pending application and upon which an applicant may rely in support of a grant of its application. *Mansfield Journal Co., et al.*, 4 R.R. 129, 132-133 (1948), *aff'd*, *Mansfield Journal Co. v. F.C.C.* 84 U.S. App. D.C. 341, 173 F. 2d 646, 4 R.R. 2123 (1949); *Malrite Broadcasting Co.*, 18 R.R. 589 (1959); *Greater Minnesota Broadcasting Co.*, 1 R.R. 2d 21 (1963). This is especially true in cases where considerations under section 307(b) of the Act are involved. *Big Sioux Broadcasting Co.*, 3 R.R. 1407 (1947); *Seaside Broadcasting Co.*, 3 R.R. 655 (1946); *Central Michigan Radio Corp.*, 3 R.R. 735 (1947); *WKAP, Inc. (WKAP)*, 6 R.R. 814, 817-818 (1950); *Easton Publishing Co.*, 9 R.R. 887, 890 (1953); *Cofey and Oswald*, 19 R.R. 12 (1959). The Ashbacker case certainly did not hold that an applicant is denied a hearing on its application whenever, during the pendency of that application, the Commission takes action otherwise within its authority, one of the consequences of which may be to diminish the probabilities in favor of a grant of the pending application. The Commission is aware of the fact that, as a practical matter, a grant of the WELK application prior to a decision in this proceeding might tend to weaken WINA's competitive position vis-a-vis the WBXM Broadcasting application in a section 307(b) hearing. This possible adverse effect, however,

¹ *Ashbacker Radio Corp. v. F.C.C.* 326 U.S. 327 (1945).

² The Easton Publishing Co. matter was involved in an appeal to the United States Court of Appeals for the District of Columbia Circuit, *Allentown Broadcasting Corporation v. F.C.C.* 94 U.S. App. D.C. 353, 222 F. 2d 781, 10 R.R. 2086, in which the Court reversed the Commission on grounds not here involved. In that case, the appellant contended that grants of applications proposing operations in the same city in which the appellant proposed to operate (Allentown, Pennsylvania) had prejudiced its position with respect to 307(b) considerations. In disposing of this and other contentions the Court stated: "We have considered other contentions advanced by appellant and find them without merit." See 94 U.S. App. D.C. 353, 360; 22 F. 2d 781, 788; 10 R.R. 2086, 2094.

does not of itself confer the right to consolidation under the Ashbacker doctrine. It should also be noted that there is no electrical interference between the WINA and WELK proposals. Based on existing Commission precedent, the Commission is of the view that WINA does not have a right to a comparative hearing with the WELK application. The Commission is not required to defer consideration of the WELK application until a determination is made in the proceeding ordered below. Accordingly, the WELK application will be processed in the normal course of business pursuant to § 1.571 of the Commission's rules.

7. It should be noted that, in the event of a grant of the WELK application, a reduction in WINA's potential "white area" coverage would in no way alter WINA's status under the Note to § 1.571 of the Commission's Rules, as in force prior to July 1, 1964, which set forth the interim criteria governing the acceptance of standard broadcast applications during the AM "freeze". The "freeze" criteria established standards relating only to the acceptance of applications. It did not alter or create the standards governing the processing of applications once the applications were accepted for filing. Once accepted for filing under the "freeze" criteria, applications are treated like any other applications pending under the then existing rules. Therefore, on this basis, it cannot be said that a grant of the WELK application would effectively preclude a grant of WINA's application so as to entitle WINA to comparative consideration with WELK under the Ashbacker doctrine. In view of the existing Commission policy as outlined above, the WINA request will be denied.

8. Except as indicated by the issues specified below, each of the above-captioned applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed.

9. The following matters are to be considered in connection with the aforementioned issues specified below:

a. The above-captioned proposals appear to be mutually exclusive in that concurrent operation would result in mutually destructive interference.

b. WINA, in its application, indicates that, on the basis of Figure M-3 values of conductivity, the proposed operation complies with the coverage requirements of § 73.188 of the Commission's rules. It is noted, however, that if the values of conductivity from the proposed antenna site towards the city were slightly less than is indicated by Figure M-3, the proposal would not comply with § 73.188 (b) (1) of the rules in that a minimum field intensity of 25 mv/m would not be obtained over the business or factory areas of the city during both daytime and nighttime operation. In addition, if the values of conductivity from the proposed antenna site were slightly less than is indicated by Figure M-3, the proposed nighttime limitation contour would not cover the city as required by § 73.188 (a) (1) of the Commission's rules. Since Figure M-3 values of conductivity are not intended to accurately indicate the con-

ductivity over short paths, as herein involved, the applicant will be required to submit field intensity measurement data made from the proposed antenna site in a direction towards the city so that a determination can be made as to whether or not the proposed operation would provide adequate coverage to the city as required by § 73.188 (a) (1) and (b) (1) of the Commission's rules.

c. WBXM Broadcasting Company, Inc., in its application, indicates that, on the basis of Figure M-3 values of conductivity, the proposal will comply with § 73.37 of the Commission's rules in that there will be no overlap of the 2 mv/m contour of the proposed station with the 25 mv/m contour of Station WQMR, Silver Spring, Maryland. It is noted, however, that if the values of conductivity from the proposed antenna site toward Station WQMR were slightly greater than is indicated by Figure M-3, the proposal would be in violation of § 73.37 of the Commission's rules. Since Figure M-3 values of conductivity are not intended to accurately indicate the conductivity over short paths, as herein involved, the applicant will be required to submit field intensity measurement data made from the proposed antenna site in a direction towards Station WQMR to establish that the proposed 2 mv/m contour will not overlap the 25 mv/m contour of WQMR.

d. The WBXM Broadcasting Company, Inc., proposal involves mutual co-channel interference with Station WKOK, Sunbury, Pennsylvania. Accordingly, an appropriate issue will be specified and Sunbury Broadcasting Corporation, the licensee of Station WKOK, will be made a party respondent to the hearing proceeding.

10. In view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below.

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of WBXM Broadcasting Company, Inc., and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WINA, Charlottesville, Va., and the availability of other primary service to such areas and populations.

3. To determine whether the proposal of Charlottesville Broadcasting Corporation (WINA) would provide coverage of the city sought to be served, as required by § 73.188(b) (1) of the Commission's rules, and, if not, whether circum-

stances exist which would warrant a waiver of said section.

4. To determine whether the proposed nighttime limitation contour of Charlottesville Broadcasting Corporation (WINA) would adequately serve the center of population of the city in which the studio is located as required by § 73.188 (a) (1) of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the proposed operation of Charlottesville Broadcasting Corporation (WINA) would be consistent with Note (b) to § 73.24 of the Commission's rules and, if not, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether overlap of the 2 and 25 mv/m contours would occur between the proposal of WBXM Broadcasting Company, Inc. and Station WQMR, Silver Spring, Md. in contravention of § 73.37 of the Commission's rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

7. To determine whether the proposal of WBXM Broadcasting Company, Inc., would cause objectionable interference to Station WKOK, Sunbury, Pa., or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

It is further ordered, That, Sunbury Broadcasting Corporation, licensee of Station WKOK, Sunbury, Pa., is made a party to the proceeding.

It is further ordered, That the Petition to Deny, filed by WBXM Broadcasting Company, Inc., is granted to the extent indicated above.

It is further ordered, That the request of Charlottesville Broadcasting Corporation (WINA) contained in its letter of July 31, 1963 is denied.

It is further ordered, That, in the event of a grant of either of the above-captioned applications, the construction permit shall contain the following condition: Pending a final decision in Docket No. 14419 with respect to presunrise operation with daytime facilities, the present provisions of § 73.87 of the Commission's rules are not extended to this authorization, and such operation is precluded.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and party respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a) (2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Adopted: February 24, 1965.

Released: February 25, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2174; Filed, Mar. 2, 1965;
8:47 a.m.]

[Docket No. 15668 etc.; FCC 65M-227]

CHICAGOLAND TV CO. ET AL.

Order Regarding Procedural Dates

In re applications of Frederick B. Livingston and Thomas L. Davis, d/b as Chicagoland TV Company, Chicago, Ill., Docket No. 15668, File No. BPCT-3116; Warner Bros. Pictures, Inc., Chicago, Ill., Docket No. 15669, File No. BPCT-3271; Chicago Federation of Labor and Industrial Union Council, Chicago, Ill., Docket No. 15708, File No. BPCT-3439; for construction permit for new television broadcast station (Channel 38).

A prehearing conference having been held on February 24, 1965, and it appearing from the record made therein that certain agreements were reached and certain rulings made which should be formalized by order;

It is ordered, This 24th day of February 1965, That:

(1) With respect to those exhibits now scheduled to be exchanged on February 25, 1965, the exchange date is continued to March 2, 1965;

(2) With respect to the issue added by order of the Review Board released January 22, 1965, Chicagoland will exchange on or before March 22, 1965, a list of its witnesses who will testify orally; a statement of its case in sufficient detail to acquaint any party wishing to rebut that case with what it will be required to rebut; and copies of any written exhibits which are to be offered into evidence; and.

It is further ordered, That the hearing on that issue scheduled to be heard in Chicago, Ill., shall commence on April 6, 1965 at 10:00 a.m. at an address to be specified by subsequent order of the Commission.

Released: February 24, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2175; Filed, Mar. 2, 1965;
8:47 a.m.]

[Docket Nos. 15751-15766; FCC 65R-68]

KFOX, INC. (KFOX), ET AL

Memorandum Opinion and Order
Amending Issues

In re applications of KFOX, INC. (KFOX), Pasadena, Calif., Docket No. 15751, File No. BP-16149; Charles W. Jobbins, Costa Mesa-Newport Beach, Calif., Docket No. 15752, File No. BP-16157; Radio Southern California, Incorporated, Pasadena, Calif., Docket No. 15753, File No. BP-16158; Goodson-Todman Broadcasting, Inc., Pasadena, Calif., Docket No. 15754, File No. BP-16159; Orange Radio, Inc., Fullerton, Calif., Docket No. 15755, File No. BP-16160; Pacific Fine Music, Inc., Whittier, Calif., Docket No. 15756, File No. BP-16161; The Bible Institute of Los Angeles, Incorporated, Pasadena, Calif., Docket No. 15757, File No. BP-16162; C. D. Funk and George A. Baron, a partnership d/b as Topanga Malibu Broadcasting Company, Topanga, Calif., Docket No. 15758, File No. BP-16164; California Regional Broadcasting Corporation, Pasadena, Calif., Docket No. 15759, File No. BP-16165; Storer Broadcasting Company (KGBS), Pasadena, Calif., Docket No. 15760, File No. BP-16166; Mitchell B. Howe, Peter Davis, Edwin M. Dillhoefer and C. Hunter Sheldon, d/b as Pasadena Civic Broadcasting Company, Pasadena, Calif., Docket No. 15761, File No. BP-16167; Robert S. Morton, Arthur Hanisch, Macdonald Carey, Ben F. Smith, Donald C. McBain, Robert Breckner, Louis R. Vincenti, Robert C. Mardian, James B. Boyle, Robert M. Vallancourt, and Edwin Earl, d/b as Crown City Broadcasting Co., Pasadena, Calif., Docket No. 15762, File No. BP-16163; Pasadena Community Station, Inc., Pasadena, Calif., Docket No. 15763, File No. BP-16170; Voice of Pasadena, Inc., Pasadena, Calif., Docket No. 15764, File No. BP-16172; Western Broadcasting Corporation, Pasadena, Calif., Docket No. 15765, File No. BP-16173; Pasadena Broadcasting Company, Pasadena, Calif., Docket No. 15766, File No. BP-16174; for construction permits.

1. Pasadena Broadcasting Company (Pasadena Broadcasting) requests enlargement of issues with respect to the application of Charles W. Jobbins.¹ The requested issues read as follows:

1. To determine what efforts have been made by Charles W. Jobbins to determine

¹The Review Board has before it: (a) Petition of Pasadena Broadcasting Company to enlarge issues with respect to application of Charles W. Jobbins, filed January 8, 1965; (b) Broadcast Bureau's partial opposition, filed January 22, 1965; (c) reply of Charles W. Jobbins, filed January 28, 1965; and (d) reply of Pasadena Broadcasting Company, filed January 29, 1965.

the programming needs of the area he proposes to serve and the manner in which he proposes to meet such need.

2. To determine whether Charles W. Jobbins, in view of his proposal as to staff, is qualified to operate his station in the manner proposed in his application.

3. To determine whether Charles W. Jobbins has reasonable assurance of being able to secure his proposed transmitter site.

4. To determine whether Charles W. Jobbins has misrepresented the availability of the transmitter site specified in his application.

PROGRAMMING ISSUE

2. Pasadena Broadcasting contends that comparison of Jobbins' proposal in this proceeding with another filed by Jobbins in Docket No. 13997 for a station in Grass Valley, California, reveals the percentage of time allotted for various types of programs are practically identical, with the exception of agricultural and educational programs; that the wording of the commercial spot policy is identical, word for word; and that the program log analysis, hours of operation, number of commercial spot announcements, and number of noncommercial spot announcements are identical, number for number. With respect to the program schedule, the titles of the programs are the same in most instances, the difference being in the educational programs which accounts for five of the six half-hour segment variations on Sunday and two of the three half-hour variations on week days. As to program policy, the response is identical, word for word. In each application, Pasadena Broadcasting contends its president, Edward J. Flynn, contacted some sixteen important local organizations in the Costa Mesa-Newport Beach area to determine whether or not these organizations have been approached by Jobbins in the planning of his proposed programming but that none was contacted by Jobbins. Pasadena Broadcasting argues that the combination of substantially identical program proposals for entirely different communities, failure to make a community survey, and the scheduling of large segments of time for local schools and colleges without any apparent consultation with their officials amply justifies the addition of a programming issue. Charles W. Jobbins replies that every multiple station operator is going to operate each of his stations in a way that would show some similarities but important changes are made in the programming in recognition of the needs of each community; that in the passage of time interest in agricultural programs would decline; that since the University of California at Irvine is not yet operating, the percentage of time devoted to educational activities might be less during initial program planning; and that these two factors would make the application for Costa Mesa-Newport Beach even more similar. Jobbins contends that his investigation of the sixteen people named by Mr. Edward J. Flynn reveals that, among those he contacted, none had heard of Mr. Flynn or remem-

bered receiving a call. Jobbins asserts that surveys have been taken of local needs and a large amount of evidence will be submitted in the event the hearing is to be decided on comparative issues.

3. The petitioner has shown that there are similarities in the program planning between Jobbins' proposal in this proceeding and that for Grass Valley, California. Thus, the Review Board concurs with the Broadcast Bureau that the programming issue as to the application of Charles W. Jobbins should be added. This would be in accordance with our previous ruling in *United Artists Broadcasting, Inc.*, FCC 64R-551 (1964), wherein we stated "Where an applicant's program proposal is the same as that which he has proposed for another community, a 'Suburban' issue will be added, absent a showing by the applicant that he is familiar with the needs of the community he proposes to serve." Jobbins has not made this showing. He asserted that a survey was made but failed to submit any information supporting his assertion. Taylor Broadcasting Company, FCC 65-57 (1965).

ADQUACY OF STAFF ISSUE

4. Pasadena Broadcasting also requests an issue inquiring whether, with the proposed staff, Jobbins is qualified to operate his station in the manner set forth in his application. Petitioner contends that, of the five staff members, there will be two announcers, who have other duties, working 84 hours a week and there will be live programming for 10 percent of the time. In support, it cites Semo Broadcasting Corp., FCC 62R-132, 24 RR 605 (1962), where a staffing issue was added when it was shown that a station, which proposed to operate 84 hours a week, had two announcers, without other duties, only one engineer and proposed to operate 7.75 percent of its weekly program as "live". As to the use of part-time staff, Pasadena Broadcasting questions the extent of their employment, citing KWEN Broadcasting Co., FCC 62-654, 23 RR 900 (1962). Jobbins replies that his proposed staff is typical of many small station operations which are designed to serve the needs of relatively small communities, and that the proximity of Orange Coast College and University of California at Irvine makes the hiring of qualified part-time employees much easier than is usually the case, and states for the first time that the general manager and salesman will announce. The staff proposed by Jobbins, and the demands made upon his staff, are not substantially different from those involved in Semo Broadcasting Corp., and KWEN Broadcasting Co., supra. Accordingly, an issue to determine the adequacy of staff proposed by Jobbins will be added.

SITE AVAILABILITY

5. Pasadena Broadcasting also requests an issue which would inquire whether Jobbins has the reasonable assurance of being able to secure his proposed transmitter site. Pasadena Broadcasting contends that its inquiry of the real estate firm reveals that "while various persons have shown interest in using Irvine Company property for radio

towers, it has not leased the property for a radio tower and does not favor radio towers in the area proposed to be used by Jobbins." Jobbins, however, contends that he has been given sufficient evidence demonstrating that he is reasonably assured that the proposed transmitter site will be available to him. The problem herein appears to depend upon which persons in the real estate firm were contacted. However, the examination of the letters appended to the pleadings indicate that the real estate firm does not contemplate any type of development in the area in question within the next few years; that it does not have a firm policy regarding construction of a tower in a low pastureland where Jobbins has planned to erect his tower; and that the real estate firm is very much interested in any development that will benefit Costa Mesa, Newport Beach, and the surrounding area. It thus appears that the real estate firm has not rejected Jobbins' overture to secure a transmitter site and that the firm does not wish to foreclose future negotiations. Under the circumstances, there appears to be no need for a site availability issue. As to the question of whether Jobbins misrepresented to the Commission the availability of a transmitter site, Pasadena Broadcasting withdrew its request in its reply for the inclusion of an issue.

Accordingly, it is ordered, This 23d day of February 1965, That the petition of Pasadena Broadcasting Company to enlarge issues with respect to the application of Charles W. Jobbins, filed January 8, 1965, is granted to the extent indicated below and is denied in all other respects; and

It is further ordered, That the Commission's Memorandum Opinion and Order (FCC 64-1195), released December 31, 1964, is amended by the addition of the following issues:

To determine what efforts have been made by Charles W. Jobbins to determine the programming needs of the area he proposes to serve and the manner in which he proposes to meet such needs.

To determine whether the staff proposed by Charles W. Jobbins would be adequate to operate his proposed station.

Released: February 25, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2176; Filed, Mar. 2, 1965;
8:47 a.m.]

[Docket No. 15658; FCC 65 M-228]

NAUGATUCK VALLEY SERVICE, INC.
(WOWW)

Order Continuing Hearing

In re application of Naugatuck Valley Service, Inc. (WOWW), Naugatuck, Conn., Docket No. 15658, File No. BP-14829; for construction permit.

Here under consideration is a Motion for Continuance filed by the respondents in this proceeding on February 18, 1965.

* Board Member Nelson not participating. Board Member Kessler concurring in result.

requesting that hearing be continued indefinitely; and

It appearing that there is now pending a Petition for Leave to Amend filed by applicant Naugatuck and various responses to that pleading filed by respondents; and

It further appearing that at the request of the Broadcast Bureau additional engineering data is to be prepared to supplement the proposed amendment; and

It further appearing that there is real doubt as to the propriety of granting the petition to amend and that until this matter is decided the parties are seriously handicapped in knowing how to proceed; and

It further appearing that respondents' request for indefinite continuance is inappropriate in that it conflicts with the examiner's own views concerning course of hearing but that some continuance of hearing is appropriate in order to accommodate disposition of applicant's petition to amend;

Accordingly, it is ordered, This 23d day of February 1965, That so much of the Motion for Continuance filed on February 18, 1965 by United Broadcasting Company of New York, and others, as requests continuance of hearing is granted and in all other respects is denied and, on the examiner's own motion, hearing in the above-entitled proceeding is continued from February 24, 1965 to March 18, 1965; And, it is further ordered that oral argument on applicant's petition for leave to amend will be held at 9:00 a.m., March 5, 1965.

Released: February 25, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2177; Filed, Mar. 2, 1965;
8:47 a.m.]

[Docket No. 15880; FCC 65-138]

AMERICAN TELEPHONE AND
TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of American Telephone and Telegraph Company, charges, practices, classifications, and regulations for and in connection with the transmission of binary teletypewriter signals at rates up to 150 bauds.

1. On January 29, 1965, the American Telephone and Telegraph Company, Long Lines Department, filed with the Commission new and revised tariff pages to the following listed tariffs of the American Telephone and Telegraph Company, Long Lines Department: Tariff F.C.C. No. 208, Private Line Teletypewriter and Morse Services and Channels; Tariff F.C.C. No. 220, Channels for Remote Metering, Supervisory Control and Miscellaneous Signalling Purposes; Tariff F.C.C. No. 237, Channels for Data Transmission; and Tariff F.C.C. No. 250, TELPAK Channels and Services. The proposed changes to the above listed tariffs are marked to become effective on March 1, 1965.

2. These proposed tariff revisions provide for the establishment of regulations and rates applicable to private line teletypewriter service and channels (Tariff F.C.C. No. 208) for the transmission of binary signals at rates up to 150 bauds, and further provide for related revisions in Tariff F.C.C. Nos. 220, 237 and 250. New 35 type station equipment which operates at approximately 110 bauds and arrangements are included. This equipment uses an 8 level code which permits the use of a 4-row keyboard and the addition of other functions and features not now feasible with the 5 level code of existing private line teletypewriters.

3. The company states that estimates of investment and expenses were used in determining the proposed rates for the station equipment and arrangements. The proposed monthly rates for 150 baud interexchange channels, local channels and channel terminals are based on the present rates for 60 and 75 speed private line teletypewriter service plus a 25 percent differential.

4. A petition requesting suspension and investigation of the proposed revisions to A.T.&T. Tariff Nos. 208, 220 and 237 and requesting rejection of the proposed revisions to A.T.&T. Tariff F.C.C. No. 250 was filed on February 19, 1965, by The Western Union Telegraph Company (Western Union). Western Union contends that the proposed A.T.&T. rates are generally below the levels of charges now in effect for its similar offering of Class D data transmission service which provides for the furnishing of channels suitable for the transmission of binary signals at rates up to 180 bauds. In addition, it is alleged that the charges for the proposed 150 baud service decline with distance by the same steps as for narrow band telegraph channels whereas revenue requirements from 150 baud channels as related to decline with distance more closely approximate the steps now on file by both A.T.&T. and Western Union for voice grade channels. Western Union also contends that the additional revenue requirements for 150 baud channels relative to the revenue requirements for narrow band telegraph channels are in excess of the 25% rate differential. Furthermore, Western Union also contends that the proposed service is unlawfully discriminatory in that the charges for 150 baud channels obtained under A.T.&T. Tariff F.C.C. Nos. 208, 220 and 237 differ from the charges for like 150 baud channels obtained under A.T.&T. Tariff F.C.C. No. 250.

5. On February 23, 1965, an opposition to Western Union's petition was filed by A.T.&T. controverting the allegations made by Western Union and requesting that the petition be denied. For instance, A.T.&T. alleges that there is a substantial public need and demand for the proposed service; that A.T.&T.'s rates should not be controlled by rates on file by Western Union; that it is likely that the higher rate charged by Western Union for its Class D Data Service is due to a higher speed capability; that Western Union does not adequately demonstrate that 150 baud rates are unreasonable; that the 150 baud rate pattern in

which the decline with distance is comparable to that for narrow band teletypewriter channels is appropriate; that no unlawful discrimination exists because service can be obtained under A.T.&T.'s TELPAK tariff as well as under other A.T.&T. tariffs; that the difference between TELPAK and non-TELPK rates in connection with Western Union's Class D service is even greater than the corresponding difference Western Union complains of in its petition; that the \$15.00 channel terminal charge under A.T.&T.'s TELPAK tariff applies also to telephone grade channels; and that a \$25.00 monthly station arrangement charge is provided in the proposed tariff in addition to the channel terminal charge.

6. It appears that any justification of the relationship between the proposed rates and the presently effective rates on file with the Commission cannot be determined without adequate cost data. However, supporting cost data has not been filed in time to enable the Commission to make such a determination. Therefore, if the proposed tariff revisions become effective on the dates specified therein, the public interest may thereby be adversely affected.

7. Western Union's petition requests suspension of the items filed under A.T. & T.'s regular private line tariffs and rejection of those filed under the TELPAK tariff. The basis for the rejection of the latter items is similar to that contained in a petition for reconsideration filed by Western Union in connection with our most recent Memorandum Opinion and Order in the TELPAK case FCC 64-1172, 37 FCC 1111. In view of the pendency of that petition, and because suspension of these items will afford Western Union the same immediate relief, we will deny this portion of the petition now before us.

Accordingly, it is ordered, That pursuant to the provisions of section 204 of the Communications Act of 1934, the operation of the tariff pages of A.T. & T. Long Lines Department listed in the attachment¹ is hereby suspended until the first day of June 1965, unless otherwise ordered by the Commission; and that during such period no changes should be made in said tariff schedules unless authorized by special permission of the Commission; and

It is further ordered, That pursuant to the provisions of sections 201, 202, 204, 205 and 403 of the Communications Act of 1934, as amended, an investigation is hereby instituted into the lawfulness of the above mentioned tariff schedules; and

It is further ordered, That without limiting the scope of the investigation, inquiry shall be made into the following:

(a) Whether any of the charges, classifications, regulations, and practices contained in such tariff schedules are or will be unjust and unreasonable within the meaning of section 201(b) of the Communications Act of 1934, as amended;

¹ Attachment filed as part of original document.

(b) Whether such tariff schedules will subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or advantage to any person, class of persons or locality, or subject any person, class of persons or locality to any undue or unreasonable prejudice or disadvantage within the meaning of section 202(a) of the Communications Act of 1934, as amended;

(c) Whether the Commission should prescribe just and reasonable charges, classifications, regulations, and practices or the maximum or minimum, or maximum and minimum, charges to be hereafter followed with respect to the service governed by the above-mentioned tariffs and, if so, what charges, classifications, regulations and practices should be prescribed; and

It is further ordered, That a hearing shall be held herein at the Commission's offices in Washington, D.C., at a time to be hereafter specified, and that the Hearing Examiner hereafter to be designated to preside at the hearing herein shall certify the record to the Commission for decision without preparing either an initial decision or a recommended decision; and

It is further ordered, That the petition requesting suspension in part and rejection in part as filed by Western Union is granted to the extent the present action suspending tariff revisions accords with this request, and in all other particulars the petition is denied; and

It is further ordered, That the Chief, Common Carrier Bureau, shall prepare and issue a recommended decision herein; and

It is further ordered, That A.T.&T. and all companies listed as concurring carriers in the above-mentioned tariff schedules are hereby made parties respondent hereto;

It is further ordered, That Western Union is granted leave to intervene upon filing of a notice of intention to intervene in this investigation.

Adopted: February 24, 1965.

Released: February 26, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[P.R. Doc. 65-2205; Filed, Mar. 2, 1965;
8:49 a.m.]

[Docket No. 15303, 15304; FCC 65M-231]

CASCADE BROADCASTING CO. AND
SUNSET BROADCASTING CO.
(KNDX-FM)

Order Continuing Hearing

In re applications of Cascade Broadcasting Co., Yakima, Wash., Docket No. 15303; File No. BPH-4072, David Zander Pugsley, trading as Sunset Broadcasting Co. (KNDX-FM), Yakima, Wash., Docket No. 15304, File No. BPH-4180; for construction permits.

The Hearing Examiner having under consideration a letter dated February 24, 1965, from counsel for Cascade Broadcasting Co. and counsel for Sunset

Broadcasting Co. for an extension of the dates for the exchange of hearing exhibits and for hearing;

It appearing, that counsel for the Broadcast Bureau, the only other party to this proceeding, has consented to the instant request and has waived the provisions of the Four-Day Rule;

It is ordered, This 25th day of February 1965, that the request is granted insofar as a change in dates; And it is further ordered, That the hearing exhibits will be exchanged on March 23, 1965, and that the hearing is continued from February 26, 1965, to April 2, 1965.

Released: February 26, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2206; Filed, Mar. 2, 1965;
8:49 a.m.]

[Docket Nos. 15861, 15862; FCC 65M-233]

CHARLOTTESVILLE BROADCASTING CORP. (WINA) AND WBXM BROAD- CASTING CO., INC.

Order Scheduling Hearing

In re applications of Charlottesville Broadcasting Corp. (WINA), Charlottesville, Va., Docket No. 15861, File No. BP-15768; WBXM Broadcasting Co., Inc., Springfield, Va., Docket No. 15862, File No. BP-15808; for construction permits.

It is ordered, This 26th day of February 1965, that Charles J. Frederick shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on April 19, 1965; and that a prehearing conference shall be convened at 10 a.m. on March 16, 1965; And it is further ordered, That all proceedings shall be held in the Offices of the Commission, Washington, D.C.

Released: February 26, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2207; Filed, Mar. 2, 1965;
8:49 a.m.]

[Docket No. 15863]

RICHARD LEE DOBBYN

Order Designating Matter for Hearing on Stated Issues

In the matter of Richard Lee Dobbyn, 500 Lovett Boulevard, Houston, Tex., Docket No. 15863, suspension of restricted radiotelephone operator permit.

The Commission having under consideration the suspension of restricted radiotelephone operator permit, No. RP-95449, issued to Richard Lee Dobbyn, whose address appears above; and

It appearing, that acting in accordance with the provisions of section 303(m) (2) of the Communications Act of 1934, as amended, the above-named party filed with the Commission a timely request for hearing on the Commission's Order of

April 18, 1962 suspending for a period of 1 year his restricted radiotelephone operator permit; and

It further appearing, that under the provisions of section 303(m) (2) of the Communications Act of 1934, as amended, the said licensee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of suspension is held in abeyance until the conclusion of the proceeding in this matter.

It is ordered, This 23d day of February 1965 under authority contained in section 303(m) (2) of the Communications Act of 1934, as amended and § 0.311(a) (5) of the Commission's rules that the matter of the suspension of the restricted radiotelephone operator permit of Richard Lee Dobbyn is hereby designated for hearing at a time and place before a hearing examiner to be specified by further Order of the Commission, upon the following issues:

1. To determine whether Richard Lee Dobbyn obtained or attempted to obtain a radio operator license by fraudulent means.

2. To determine whether Richard Lee Dobbyn by performing operating duties at radio broadcast station KEZY not authorized under a restricted radiotelephone operator permit violated §§ 13.61 (h) and 13.62(c) of the Commission's rules.

3. To determine in the light of the evidence adduced in the preceding issues whether the terms of the original Order of Suspension should be made final, rescinded or modified.

It is further ordered, That a copy of this Order be transmitted by Certified Mail, Return Receipt Requested, to Richard Lee Dobbyn, and that he notify the Commission in writing within 10 days after the receipt of this Order that he will appear in person or by counsel at said hearing.

Released: February 26, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2208; Filed, Mar. 2, 1965;
8:49 a.m.]

[Docket Nos. 15849, 15850; FCC 65M-235]

RADIO STATION WKEU AND TELARAD, INC.

Order Scheduling Hearing

In re applications of Radio Station WKEU, Griffin, Ga., Docket No. 15849, File No. BP-4663; Telerad, Inc., Griffin, Ga., Docket No. 15850, File No. BP-4664; for construction permits.

It is ordered, This 26th day of February 1965, that Forest L. McClenning shall serve as the presiding officer in the above-entitled proceeding; that the hearings therein shall commence at 10 a.m. on April 14, 1965; and that a prehearing conference shall be convened at 9 a.m. on March 16, 1965; And, it is further ordered, That all proceedings

shall be held in the Offices of the Commission, Washington, D.C.

Released: February 26, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2209; Filed, Mar. 2, 1965;
8:49 a.m.]

[Docket Nos. 15849, 15850]

RADIO STATION WKEU AND TELARAD, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio Station WKEU, Griffin, Ga., Docket No. 15849, File No. BP-4663, requests 97.7 mc., No. 249; 3 kw.; 300 feet; Telerad, Inc., Griffin, Ga., Docket No. 15850, File No. BP-4664, requests 97.7 mc., No. 249; 3 kw.; 254 feet, for construction permits.

The Commission, by the Chief of the Broadcast Bureau under delegated authority, considered the captioned applications on February 25, 1965;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate as proposed; and

It further appearing, that the above-captioned applications are mutually exclusive in that concurrent operation would result in mutually destructive interference; and

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject applications would serve the public interest, convenience, and necessity, and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues set forth below;

It is ordered, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the operations proposed in the above-captioned applications would better serve the public interest, in light of the evidence adduced and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed FM broadcast station.

(b) The proposals of each of the applicants with respect to management and operation of the proposed stations.

(c) The programming services proposed in each of the applications.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to

§ 1.221(c) of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: February 25, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2210; Filed, Mar. 2, 1965;
8:49 a.m.]

[Docket Nos. 15679, 15680; FCC 65M-230]

TRI-CITIES BROADCASTING CO. AND DAWSON COUNTY BROADCAST- ING CORP.

Order Continuing Hearing

In re applications of David F. Stevens, Jr., trading as Tri-Cities Broadcasting Co., Cozad, Nebr., Docket No. 15679, File No. BP-15052; Dawson County Broadcasting Corp., Cozad, Nebr., Docket No. 15680, File No. BP-15679; for construction permits.

On the unopposed oral request of counsel for Tri-Cities Broadcasting Co.: It is ordered, This 25th day of February 1965, that (a) the date for the exchange of the remaining direct affirmative written cases of applicants is further extended from February 25 (as orally permitted) to March 2, 1965; (b) for receipt of notification of engineering witnesses from March 3 to March 12, 1965; and (c) for the hearing from March 15 to April 12, 1965.

Released: February 25, 1965.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[F.R. Doc. 65-2211; Filed, Mar. 2, 1965;
8:49 a.m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-11580 etc.]

SOHIO PETROLEUM CO. ET AL.

Findings and Order After Statutory Hearing

FEBRUARY 19, 1965.

Findings and Order After Statutory Hearing Issuing Certificates of Public Convenience and Necessity, Amending Certificates, Permitting and Approving Abandonment of Service, Terminating Certificate, Cancelling Docket Number, Substituting Respondent, Making Successor Co-Respondent, Redesignating Proceedings, Requiring Filing of Agreement and Undertaking, Accepting Related Rate Schedules and Supplements for Filing and Permitting Withdrawal of Interventions.

Each of the Applicants listed herein has filed an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale and delivery of natural gas in interstate commerce, for permission and approval to abandon service, or a petition to amend an existing certificate authorization, all as more fully described in the respective applications and petitions (and any supplements or amendments thereto) which are on file with the Commission.

The Applicants herein have filed related FPC Gas Rate Schedules and propose to initiate or abandon, add or delete natural gas service in interstate commerce as indicated by the tabulation herein. All sales certificated herein are either equal to or below the ceiling prices established by the Commission's Statement of Policy 61-1, as amended, or involve sales for which permanent certificates have been previously issued.

Franco Western Oil Co., Division of Franco Wyoming Oil Co., Applicant in Docket No. G-17022, proposes to continue the sale of natural gas heretofore authorized in said docket to be made by Franco Western Oil Co. pursuant to a contract designated as Franco Western Oil Co. FPC Gas Rate Schedule No. 1. The presently effective rate under said rate schedule is in effect subject to refund in Docket No. RI65-322. A prior increased rate was collected for a locked-in period subject to refund in Docket No. RI60-448. Accordingly, the predecessor's rate schedule will be redesignated as that of the successor, the successor will be substituted in lieu of the predecessor as respondent in each of the rate proceedings, and the rate proceedings will be redesignated. Inasmuch as the succession is a result of a merger, the agreements and undertakings filed by the predecessor to assure the refund of any amounts collected in excess of the amounts determined to be just and reasonable in Docket Nos. RI60-448 and RI65-322 will be construed as obligations of the successor.

Palm Petroleum Corp. (Operator), et al., Applicant in Docket No. CI62-585, proposes, inter alia, to continue in part the sale of natural gas heretofore author-

ized in Docket No. G-13121 to be made pursuant to Union Oil Co. of California FPC Gas Rate Schedule No. 20, as supplemented. Applicant will sell natural gas from the acreage acquired from Union Oil at the same rate that Union Oil had been selling the gas. Said rate is in effect subject to refund in Docket No. RI61-52.¹ Accordingly, Applicant will be made a co-respondent in the rate proceeding, said proceeding will be redesignated, and Applicant will be required to file an agreement and undertaking to assure the refund of any amount collected by it for sales of natural gas from the acreage acquired from Union Oil in excess of the amount determined to be just and reasonable in Docket No. RI61-52.

After due notice, a joint petition to intervene by Southern California Gas Co. and Southern Counties Gas Co. of California was filed in Docket No. CI65-180 and notices of intervention by The Public Service Commission of the State of New York were filed in Docket Nos. CI65-169 and CI65-474, respectively. Notice of withdrawal of the joint petition to intervene by interveners was filed on February 8, 1965, in Docket No. CI65-180 and a notice of withdrawal of the respective interventions by interveners was filed on February 1, 1965, in Docket Nos. CI65-169 and CI65-474, respectively. No other petitions to intervene, notices of intervention, or protests to the granting of any of the respective applications or petitions in this order have been received.

At a hearing held on February 18, 1965, the Commission on its own motion received and made a part of the record in these proceedings, all evidence, including the applications, amendments and exhibits thereto, submitted in support of the respective authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each Applicant herein is a "natural-gas company" within the meaning of the Natural Gas Act as heretofore found by the Commission or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be a "natural-gas company" within the meaning of said Act upon the commencement of the service under the respective authorizations granted hereinafter.

(2) The sales of natural gas hereinbefore described, as more fully described in the respective applications, amendments and/or supplements herein, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

¹ Consolidated with Docket No. AR64-1, et al.

(3) The sales of natural gas by the respective Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity and certificates therefor should be issued as hereinafter ordered and conditioned.

(4) The respective Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules and regulations of the Commission thereunder.

(5) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the certificate authorizations heretofore issued by the Commission in Docket Nos. G-11580, G-13121, G-15891, G-17022, G-18384, G-18944, CI61-1708, CI62-362, CI63-20, CI63-783, and CI64-1375 should be amended as hereinafter ordered.

(6) The sale of natural gas proposed to be abandoned by Applicant in Docket No. CI65-619 as hereinbefore described, all as more fully described in the tabulation herein and in the application, is subject to the requirements of subsection (b) of section 7 of the Natural Gas Act, and such abandonment should be permitted and approved, and the related certificate heretofore issued in Docket No. G-17184 should be terminated.

(7) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that Franco Western Oil Co., Division of Franco Wyoming Oil Co., should be substituted in lieu of Franco Western Oil Co. as respondent in the proceedings pending in Docket Nos. RI60-448 and RI65-322, that said proceedings should be redesignated accordingly, and that the agreements and undertakings filed in said dockets by the predecessor should be construed as obligations of the successor.

(8) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that Palm Petroleum Corp. (Operator), et al., should be made a correspondent in the proceeding pending in Docket No. RI61-52, that said proceeding should be redesignated accordingly, and that Palm Petroleum Corp. (Operator), et al., should be required to file an agreement and undertaking.

(9) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Southern California Gas Co. and Southern Counties Gas Co. of California should be permitted to withdraw their joint petition to intervene filed on October 5, 1964, in Docket No. CI65-180, and that The Public Service Commission of the State of New York should be permitted to withdraw the notices of intervention filed on September 18, 1964, and December 14, 1964, in Docket Nos. CI65-160 and CI65-474, respectively.

(10) It is necessary and proper in carrying out the provisions of the Natural Gas Act that Docket No. CI65-474 should be cancelled and that the application filed therein, should be processed as a petition to amend the certificate issued

in Docket No. CI61-1708 by permitting the successor in interest to continue the service heretofore authorized.

(11) The respective related rate schedules and supplements as designated or redesignated in the tabulation herein, should be accepted for filing as hereinafter ordered.

The Commission orders:

(A) Certificates of public convenience and necessity be and the same are hereby issued, upon the terms and conditions of this order, authorizing the sales by the respective Applicants herein of natural gas in interstate commerce for resale, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary for such sales, all as hereinbefore described and as more fully described in the respective applications, amendments, supplements, and exhibits in these proceedings.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(C) The grant of the certificates issued in paragraph (A) above shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act or of Part 154 or Part 157 of the Commission's regulations thereunder, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the respective Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. Nor shall the grant of the certificates aforesaid for service to the particular customers involved imply approval of all of the terms of the respective contracts, particularly as to the cessation of service upon termination of said contracts, as provided by section 7(b) of the Natural Gas Act. Nor shall the grant of the certificates aforesaid be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales of natural gas subject to said certificates.

(D) The certificate issued herein in Docket No. CI65-615 involving a sale of gas by Union Producing Co. to its parent, United Gas Pipe Line Co., is without prejudice to any action which the Commission may take in any rate proceeding involving either company.

(E) The certificate authorizations heretofore issued to the respective Applicants in Docket Nos. G-11580, CI62-362, CI63-20, and CI63-783 are hereby amended by adding thereto or deleting therefrom authorization to sell natural gas to the same purchasers and in the same areas as covered by the original authorizations, pursuant to the rate schedule supplements as indicated in the tabulation herein.

(F) In view of the authorization granted in paragraph (E) above in Docket No. G-11580, Applicant is not relieved of any refund obligation in the related rate suspension proceeding in Docket No. RI64-629 insofar as it pertains to sales previously rendered from the subject acreage.

(G) The certificates heretofore issued in Docket Nos. G-13121 and G-18384 are hereby amended by deleting therefrom authorization granted herein in Docket Nos. CI62-585 and CI65-169.

(H) The certificates heretofore issued in Docket Nos. G-15891, G-17022, G-18944, CI61-1708, and CI64-1375 are hereby amended by changing the certificate holders to the respective successors in interest as indicated in the tabulation herein.

(I) Permission for and approval of the abandonment of service by Applicant in Docket No. CI65-619 as hereinbefore described and as more fully described in the application herein, is hereby granted and the related certificate heretofore issued in Docket No. G-17184 is hereby terminated.

(J) Franco Western Oil Co., Division of Franco Wyoming Oil Co., be and it is hereby substituted in lieu of Franco Western Oil Co. as respondent in the proceedings pending in Docket Nos. RI60-448 and RI65-322; said proceedings are redesignated accordingly; and the agreements and undertakings filed in said proceedings by the predecessor shall hereafter be construed as obligations of the successor.

(K) Franco Western Oil Co., Division of Franco Wyoming Oil Co., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, and the agreements and undertakings filed in Docket Nos. RI60-448 and RI65-322 shall remain in full force and effect until discharged by the Commission.

(L) Palm Petroleum Corp. (Operator), et al., be and it is hereby made a correspondent in the proceeding pending in Docket No. RI61-52 with respect to sales of natural gas authorized in Docket No. CI62-585 from acreage acquired from Union Oil Co. of California, and the proceeding in Docket No. RI61-52 is redesignated accordingly.

(M) Within 30 days from the issuance of this order Palm Petroleum Corp. (Operator), et al., shall execute, in the form set out below, and shall file with the Secretary of the Commission, an acceptable agreement and undertaking in Docket No. RI61-52 to assure the refund of any amount, together with interest at the rate of 7 percent per annum, collected by it for sales of natural gas authorized in Docket No. CI62-585 from acreage acquired from Union Oil Co. of California, in excess of the amount determined to be just and reasonable in Docket No. RI61-52. Unless notified to the contrary by the Secretary of the Commission within 30 days from the

* Franco Western Oil Co., Division of Franco Wyoming Oil Co.

* Union Oil Co. of California and Palm Petroleum Corp. (Operator), et al.

Docket No. and date filed	Applicant	Purchaser, field and location	FPC rate schedule to be accepted		
			Description and date of Document	No.	Supp.
			Letter agreement 12-1-58.	257	6
			Letter agreement 12-22-58.	257	7
			Letter agreement 7-1-60.	257	8
			Amendment 10-23-62	257	9
			Letter agreement 7-1-64. ¹²	257	10
CI65-616 A 12-30-64	BTA Oil Producers (Operator), et al.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	Contract 12-18-64 ¹³	21	
CI65-617 A 12-30-64	Lawrence Drilling Co.	Texas Eastern Trans- mission Corp., Spider Field, De Soto Parish, La.	Contract 11-20-64 Letter agreement 11-20-64. ¹³	1 1	1
CI65-618 A 12-31-64	Humble Oil & Refining Co.	Arkansas Louisiana Gas Co., Clinton Lake Field, Marion County, Tex.	Contract 11-20-64 ¹³	367	
CI65-619 (G-17184) B 12-30-64	Stanley Martin, Agent for The Martin Oil & Gas Co.	Hope Natural Gas Co., DeKalb District, Gil- mer County, W. Va.	Notice of cancellation 12-29-64. ¹³	1	1
CI65-621 A 12-31-64	Sun Oil Co. (Gulf Coast Division).	United Gas Pipe Line Co. Deer Island Field, Terrebonne Parish, La.	Contract 11-27-64.	182	
CI65-622 A 12-31-64	Sun Oil Co. (Southwest Division).	Texas Eastern Transmis- sion Corp., Bay Side Field, Refugio County, Tex.	Contract 10-14-64 ¹³	181	
CI65-623 A 12-31-64	Consolidation Coal Co., et al.	United Fuel Gas Co., Malden Spring District, Tazewell County, Va.	Contract 11-17-64.	1	
CI65-624 A 12-31-64	Phillips Petroleum Co., Operator.	El Paso Natural Gas Co., Ector Plant, Ector County, Tex.	Contract 12-9-64 ¹³	410	
CI65-629 A 1-4-65	Astee Oil & Gas Co.	El Paso Natural Gas Co., Gallegos Canyon, San Juan County, N. Mex.	Contract 12-7-64 ¹³	18	
CI65-630 A 1-4-65	Continental Oil Co.	Lone Star Gas Co., JGS Field, Panola County, Tex.	Contract 9-30-64 ¹³	292	
CI65-631 A 1-5-65	Fairman Drilling Co.	New York State Natural Gas Corp., Big Run Pool, Jefferson County, Pa.	Contract 8-25-64 ¹³	35	
CI65-632 A 1-5-65	do.	do.	Contract 8-3-64 ¹³	36	

¹ Pressure in Queen Formation has declined to the point that it is no longer able to produce gas against existing pipeline pressure.

² Effective date: Date of this order.

³ Franco Western Oil Co. merged into Franco Wyoming Oil Co. with Franco Western Oil Co., a Division of Franco Wyoming Co., the surviving company.

⁴ Merger agreement between Franco Western and Franco Wyoming.

⁵ Includes supplemental agreement dated Nov. 19, 1964, between Socony and Panhandle releasing nonproducing acreage where the leases have expired and no deliveries have been made.

⁶ Acreage previously covered under Union Oil Co. of California FPC GRS No. 20 and certificate issued in Docket No. G-13121.

⁷ Sinclair Oil & Gas Co. to Kern Drilling Co., Inc. (Sinclair received its interest from Union Oil Co.).

⁸ Kern to Palm for 1/4 interest.

⁹ Kern to Palm for 1/4 interest.

¹⁰ Effective date: Date of initial delivery.

¹¹ Presently on file as Socony Mobil Oil Co., Inc. FPC GRS No. 263, as supplemented.

¹² Conveys acreage from Socony to Oil and Gas Property Management, Inc.

¹³ Application in Docket No. CI65-474 will be treated as an amendment to the certificate in Docket No. CI61-1708 to reflect the succession in interest. Docket No. CI65-474 will be cancelled.

¹⁴ Conveys acreage from Socony, Continental, and Newmont to Ocean Drilling & Exploration Co. (Operator), et al.

¹⁵ Dedicates the assigned acreage to the terms of a gas sales contract executed on Sept. 18, 1957 between Magnolia Petroleum Co. and Transco, which was ratified by Odeco by instrument dated May 8, 1961; designated as Ocean Drilling & Exploration Co. (Operator), et al., FPC GRS No. 6.

¹⁶ Cancels certain agreement dated Sept. 27, 1937.

¹⁷ Provides for increase in rate from 3 cents to 4 cents per Mcf.

¹⁸ Production of gas no longer economically feasible.

Docket No.

SUGGESTED AGREEMENT AND UNDERTAKING

BEFORE THE FEDERAL POWER COMMISSION

(Name of Respondent) Docket No.
Agreement and Undertaking of (Name of
Respondent) To Comply With Refunding
and Reporting Provisions of Section 154.102
of the Commission's Regulations Under
the Natural Gas Act

(Name of Respondent) hereby agrees and
undertakes to comply with the refunding
and reporting provisions of Section 154.102
of the Commission's regulations under the
Natural Gas Act insofar as they are appli-

cable to the proceeding in Docket No.
(and has caused this agreement and under-
taking to be executed and sealed in its name
by its officers, thereupon duly authorized in
accordance with the terms of the resolution
of its board of directors, a certified copy of
which is appended hereto¹) this ____ day of
----- 196__.

(Name of Respondent)

By _____

Attest:

[F.R. Doc. 65-2114; Filed, Mar. 2, 1965;
8:45 a.m.]

¹ If a corporation.

No. 41—6

[Docket No. RI65-332]

AMERADA PETROLEUM CORP.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates and Allowing Rate Changes To Become Effective Subject to Re- fund; Correction

FEBRUARY 18, 1965.

In the Order Providing for Hearings
on and Suspension of Proposed Changes
in Rates, and Allowing Rate Changes To
Become Effective Subject to Refund, is-
sued November 30, 1965 and published in
the FEDERAL REGISTER December 8, 1964
(F.R. Doc. 64-12468; 29 F.R.-16842); in-
sert Footnote "13" after Rate Schedule
No. 76 in the second paragraph of Ap-
pendix "A"; also add Footnote "13" to
read as follows:

¹³ Supplement No. 5 to Amerada's FPC Gas
Rate Schedule No. 76 does not include a 1.0
cent per Mcf minimum guarantee for liquids.

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 65-2161; Filed, Mar. 2, 1965;
8:45 a.m.]

[Docket Nos. RI65-518 etc.]

BONRAY OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, Effective Subject to Refund¹

FEBRUARY 24, 1965.

The Respondents named herein have
filed proposed changes in rates and
charges of currently effective rate sched-
ules for sales of natural gas under Com-
mission jurisdiction, as set forth in Ap-
pendix A hereof.

The proposed changed rates and
charges may be unjust, unreasonable,
unduly discriminatory, or preferential,
or otherwise unlawful.

The Commission finds: It is in the
public interest and consistent with the
Natural Gas Act that the Commission
enter upon hearings regarding the law-
fulness of the proposed changes, and
that the supplements herein be suspend-
ed and their use be deferred as ordered
below.

The Commission orders:

(A) Under the Natural Gas Act,
particularly sections 4 and 15, the regu-
lations pertaining thereto (18 CFR,
Chapter I), and the Commission's rules
of practice and procedure, public hear-
ings shall be held concerning the lawfulness
of the proposed changes.

(B) Pending hearings and decisions
thereon, the rate supplements herein are
suspended and their use deferred until
date shown in the "Date Suspended
Until" column, and thereafter until made
effective as prescribed by the Natural
Gas Act: *Provided, however, That the*

¹ Does not consolidate for hearing or dis-
pose of the several matters herein.

supplements to the rate schedules filed by Respondents, as set forth herein, shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of the issuance of this order Respondents shall each execute and file under its above-designated docket number with the Secretary of the Commission its agreement and undertaking to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations there-

under, accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Respondents are advised to the contrary within 15 days after the filing of their respective agreements and undertakings, such agreements and undertakings shall be deemed to have been accepted.

(C) Until otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until dis-

position of these proceedings or expiration of the suspension period.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before April 14, 1965.

By the Commission.

[SEAL]

JOSEPH H. GUTRIE,
Secretary.

APPENDIX

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI65-518...	Bonray Oil Co. (Operator), et al. 1361 First National Bldg., Oklahoma City, Okla.	5	2	Cities Service Gas Co. (Leonard Ransom Lease, West Mount Zion Field, Grant County, Okla.) (Oklahoma "Other" Area).	\$4,000	2-1-65	2-3-65	2-5-65	13.0	14.0	
RI65-519...	Amerada Petroleum Corp., Post Office Box 2040, Tulsa 2, Okla.	123	1	Cities Service Gas Co. (Northeast Wynoka Field, Woods County, Okla.) (Oklahoma "Other" Area).	\$375	2-1-65	2-3-65	2-5-65	13.0	14.0	

* The stated effective date is the first day after expiration of the required statutory notice.

* The suspension period is limited to 1 day.

* Periodic rate increase.

* Pressure base is 14.65 p.s.i.a.

* Includes 0.75 cents per Mcf dehydration charge deducted by buyer.

* Subject to downward B.T.U. adjustment.

Bonray Oil Co. (Operator) et al., (Bonray) and Amerada Petroleum Corp. (Amerada) request that their proposed rate increases be permitted to become effective as of January 1, 1965. Good cause has not been shown for waiving the 30-day notice requirement provided in section 4(d) of the Natural Gas Act to permit an earlier effective date for the aforementioned producers' rate filings and such requests are denied.

The contracts related to the rate filings proposed by Bonray and Amerada were executed subsequent to September 28, 1960, the date of issuance of the Commission's Statement of General Policy No. 61-1, as amended, and the proposed increased rates are above the applicable ceiling for increased rates but do not exceed the applicable ceiling price for initial rates in the area involved. Under the circumstances, we believe that Bonray and Amerada's rate filings should each be suspended for 1 day from March 4, 1965, the date of expiration of the statutory notice.

[F.R. Doc. 65-2162; Filed, Mar. 2, 1965; 8:46 a.m.]

[Docket No. RI61-112]

LONDON GAS CO. ET AL.

Order Permitting Substitute Decreased Rate Filings Subject to Further Refund and Requiring Refunds

FEBRUARY 24, 1965.

London Gas Co. et al. (London) on January 28, 1965, filed notices of change, designated Supplements No. 1 to 2 to London's FPC Gas Rate Schedule Nos. 1, 3, and 6, respectively, for its jurisdictional sales of natural gas to Lone Star Gas Co. (Lone Star) from the Asphaltum Field Jefferson and Stephens Counties, Okla. "Other" Area. In said supplements, London proposes, in effect, to substitute fractured rate increases from 11.0 cents to 15.0 cents per Mcf at 14.65 p.s.i.a., effective as of March 7, 1961, in lieu of favored-nation rate increases

from 11.0 cents to 16.8 cents per Mcf which were made effective as of March 7, 1961 subject to refund in Docket No. RI61-112. London further proposes to refund all the money collected in excess of the proposed substitute rates of 15.0 cents per Mcf, plus 7 percent interest per annum (approximately \$22,333 including interest).

The refunds ordered herein are subject to flow-through agreements of Lone Star as well as its purchaser, Natural Gas Pipeline Co. of America, in accordance with previously accepted rate settlements proposals. There are no interveners in this proceeding.

The Commission finds: Good cause exist for permitting the substitution of the said decreased rate filings in lieu of the favored-nation increased rates; for permitting said substitute rates to be effective as of March 7, 1961, subject to further refund in Docket No. RI61-112; and for requiring London to make refunds and account therefor as herein-after provided.

The Commission orders:

(A) Supplements No. 1 to 2 to London's FPC Gas Rate Schedules Nos. 1, 3, and 6, respectively, are permitted to be substituted in lieu of Supplements No. 2 to said rate schedules, and said Supplements No. 1 to 2 are effective as of March 7, 1961, subject to further refund in Docket No. RI61-112.

(B) London shall within 45 days from the date of issuance of this order (1) refund to Lone Star the amount of money collected in this proceeding in excess of the 15.0 cents per Mcf rates from March 7, 1961 to the date of issuance of this order, with interest at 7 percent per annum to January 1, 1965, and (2) report to the Commission, in writing, the amount of refunds paid to Lone Star showing separately the amount of principal and interest so paid, and the basis

for such determination, together with a satisfactory release from Lone Star.

By the Commission.

[SEAL]

JOSEPH H. GUTRIE,
Secretary.

[F.R. Doc. 65-2164; Filed, Mar. 2, 1965; 8:46 a.m.]

[Docket No. CP65-239]

MILWAUKEE GAS LIGHT CO.

Notice of Application

FEBRUARY 24, 1965.

Take notice that on February 12, 1965, Milwaukee Gas Light Co. (Applicant), Milwaukee, Wis., filed in Docket No. CP65-239 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Michigan Wisconsin Pipe Line Co. to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural gas to Applicant for resale and distribution in the villages of Adell, Belgium, Cascade, Cedar Grove, Fredonia, Oostburg, Random Lake, and Waldo, Wis., all as more fully set forth in the application on file with the Commission and open to public inspection.

The total estimated volumes of natural gas involved to meet Applicant's annual and peak day requirements for the initial 3 years of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)....	397,853	452,486	494,420
Peak day (Mcf)....	1,542	2,153	2,553

Total estimated cost of Applicant's proposed construction, including trans-

mission facilities and distribution systems, is stated to be \$1,304,493, and will be financed with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 65-2165; Filed, Mar. 2, 1965;
8:46 a.m.]

[Docket No. CP65-238]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

FEBRUARY 24, 1965.

Take notice that on February 11, 1965, Natural Gas Pipeline Co. of America (Applicant), Chicago, Ill., filed in Docket No. CP65-238 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities for the sale and delivery of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to construct and operate: (1) Two 2-inch side taps, approximately 200 feet of 2-inch lateral and a meter station in Keokuk County, Iowa, for the sale of natural gas to Iowa Electric Light & Power Co. (Iowa Electric) for resale in the City of Marengo and the towns of North English and Williamsburg, Iowa County, Iowa and South English, Keokuk County, Iowa; and (2) one 2-inch side tap, approximately 200 feet of 2-inch lateral and a meter station in Washington County, Iowa, for the sale of natural gas to Iowa Electric for resale in the town of Kalona, Washington County, Iowa.

The application states that Iowa Electric, an existing customer of Applicant, proposes to provide natural gas service for the above communities from the quantities of natural gas which Applicant has heretofore been authorized to sell and deliver to Iowa Electric. The application further states that the natural gas involved in the instant proposal will be delivered to and transported by Lateral Gas Pipeline Co. for the account of Iowa Electric.

The estimated cost of Applicant's proposed construction is \$27,100, and will be financed with funds on hand.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (157.10) on or before March 15, 1965.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and pro-

cedure, a hearing will be held without further notice before the Commission on this application if no protest or petition to intervene is filed within the time required herein and the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a protest or petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 65-2166; Filed, Mar. 2, 1965;
8:46 a.m.]

[Project No. 2427]

FRANK E. PEACOCK

Notice of Application for License

FEBRUARY 24, 1965.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Frank E. Peacock (Applicant) of 204 Lawndale Avenue, Wilmette, Ill., 60091 for a license for proposed Project No. 2427, to be known as the Wood Falls (sometimes called Glen Park) project, to be located on the Black River, in the Village of Glen Park, Jefferson County, N.Y.

The proposed project would redevelop a run-of-river dam and powerhouse abandoned about 1930, and would consist of: (1) A diversion dam about 13 feet high; (2) a 15-foot diameter penstock about 125 feet long; (3) a powerhouse containing a 10,000 horsepower turbine driving a 7,000 kva generator; (4) a substation; (5) a 23 kv transmission line about 4,500 feet long; and (6) appurtenant facilities.

Applicant was issued a preliminary permit for the proposed project on October 14, 1964 for a period of 12 months, effective as of September 1, 1964.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is April 8, 1965. The application is on file with the Commission for public inspection.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 65-2167; Filed, Mar. 2, 1965;
8:46 a.m.]

[Docket No. CP64-96]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

FEBRUARY 24, 1965.

Take notice that on January 22, 1965, Transcontinental Gas Pipe Line Corp. (Applicant), Houston, Tex., filed in

Docket No. CP64-96 an application to amend the order of the Commission issued in said docket April 17, 1964, and amended November 23, 1964.

Applicant requests authorization for the sale and delivery of an additional volume of 690 Mcf of natural gas per day to Eastern Shore Natural Gas Co. (Eastern Shore), an existing customer. This proposed increase is in addition to the increase of 625 Mcf per day for Eastern Shore authorized in the original certificate order of April 17, 1964, and the further increase of 470 Mcf per day authorized in the order issued November 23, 1964. The application states that the increased volumes are required by Eastern Shore for natural gas service to three industrial customers.

Applicant further requests that the present allocation of 1,643 Mcf per day from Applicant which was authorized by order of the Commission issued September 10, 1964, in Docket No. CP64-304 be transferred from the City of Washington, Ga. (Washington), to Atlanta Gas Light Co. (Atlanta), an existing customer. The application states that Washington has not commenced the construction of its municipal distribution system and has not executed a service agreement with Applicant. The application further states that Washington has granted a franchise to Atlanta for the distribution of natural gas in Washington. The application further states that Atlanta's requirements for the proposed service in Washington are the same as those of Washington in its application in CP64-304 and authorized by the Commission in the order issued in said docket September 10, 1964, namely up to 1,643 Mcf per day.

On February 16, 1965, Washington filed with the Commission a motion to vacate the order issued September 10, 1964, in Docket No. CP64-304, requesting however, that such vacation be contingent upon Applicant's receiving Commission authorization to provide the subject service to Atlanta instead of to Washington.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C., 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 17, 1965.

JOSEPH H. GUTRIDE,
Secretary.

[P.R. Doc. 65-2168; Filed, Mar. 2, 1965;
8:46 a.m.]

[Docket No. CP65-240]

WESTFIELD GAS CORP.

Notice of Application

FEBRUARY 24, 1965.

Take notice that on February 12, 1965, Westfield Gas Corp. (Applicant), Westfield, Ind., filed in Docket No. CP65-240 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Panhandle Eastern Pipe Line Co. (Panhandle) to establish physical connection of its natural gas transmission facilities with the facilities proposed to be constructed by Applicant, and to sell and deliver natural

gas to Applicant for resale and distribution in Westfield, Ind., all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks physical connection of its proposed lateral transmission facilities with Panhandle's main transmission line at a point in Hamilton County, Ind., and the sale and delivery of the 3-year maximum day requirements of Westfield of 397 Mcf of gas per day by Panhandle to Applicant at such interconnection.

The total estimated volumes of natural gas involved to meet Applicant's annual and peak day requirements for the initial 3 years of proposed operations are stated to be:

	First year	Second year	Third year
Annual (Mcf)...	29,378	35,137	40,741
Peak day (Mcf)...	284	342	397

Total estimated cost of Applicant's proposed construction, including transmission facilities and distribution system, is stated to be \$140,000, and will be financed with a loan of \$100,000 from the Merchants National Bank & Trust Co. of Indianapolis, Ind. and with internally generated funds.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington, D.C. 20426, in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 16, 1965.

JOSEPH H. GUTRIE,
Secretary.

[P.R. Doc. 65-2169; Filed, Mar. 2, 1965; 8:46 a.m.]

HOUSING AND HOME FINANCE AGENCY

Office of the Administrator

ACTING REGIONAL DIRECTOR OF
ADMINISTRATION, REGION I (NEW
YORK)

Designation

The officers appointed to the following listed positions in Region I (New York) are hereby designated to serve as Acting Regional Director of Administration, Region I, during the absence of the Regional Director of Administration, with all the powers, functions, and duties delegated or assigned to the Regional Director of Administration, provided that no officer is authorized to serve as Acting Regional Director unless all other officers whose titles precede his in this designation are unable to act by reason of absence:

1. Chief, Budget and Management Branch.
2. Chief, General Services Branch.
3. Chief, Accounting Branch.

This designation supersedes the designation effective December 13, 1962 (27 F.R. 12991, December 29, 1962).

(Housing and Home Finance Administrator's delegation effective May 4, 1962 (27 F.R. 4319, May 4, 1962)).

Effective as of the 23rd day of February 1965.

[SEAL] LESTER EISNER, Jr.,
Regional Administrator, Region I.

[P.R. Doc. 65-2200; Filed, Mar. 2, 1965; 8:48 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

FEBRUARY 25, 1965.

The common stock, 10 cents par value, of Continental Vending Machine Corp., being listed and registered on the American Stock Exchange and having unlisted trading privileges on the Philadelphia-Baltimore-Washington Stock Exchange, and the 6 percent convertible subordinated debentures due September 1, 1976 being listed and registered on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, That trading in such securities on the American Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period February 26, 1965, through March 7, 1965, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[P.R. Doc. 65-2159; Filed, Mar. 2, 1965; 8:45 a.m.]

[File No. 37-63]

MIDDLE SOUTH SERVICES, INC. AND MIDDLE SOUTH UTILITIES, INC.

Notice of Request for Permanent Authorization of Organization and Conduct of Business of Subsidiary Service Company and Related Transactions

FEBRUARY 25, 1965.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), 280 Park Avenue, New York, N.Y., a registered holding company, and Middle South Services, Inc. ("Service Company"), a wholly-owned subsidiary company of Middle South, have filed an amendment to their joint application-declaration, pursuant to sections 6(a), 7, 9(a), 10, 12(f) and 13(b) of the Public Utility Holding Company Act of 1935

("Act") and Rules 43 and 88 promulgated thereunder, requesting that this Commission make permanent its order dated March 28, 1963 granting temporary authorization of the organization and conduct of business of Service Co. and related transactions until September 29, 1965, unless on or prior to such date the Commission shall further continue such authorization (Holding Company Act Release No. 14840).

All interested persons are referred to the amended joint application-declaration on file in the office of the Commission for a statement of the proposals contained therein which are summarized below.

The aforesaid order dated March 28, 1963 authorized Service Co. to perform for associate companies in the Middle South System the system planning, coordination and other services theretofore performed for such companies by Middle South at its expense and by associate operating companies at cost, and to take over as soon as practicable the wide range of additional services then being purchased from outside suppliers. In order to accomplish these objectives, Service Co. was permitted to transfer to its payroll certain personnel then in the employ of Middle South and associate operating companies, who had been performing services for other System companies, and to procure additional personnel from other sources as required.

Service Co. commenced operations on August 16, 1963 with a staff of 11 employees, rendering services to all associate companies at cost allocated on the basis of benefits conferred in accordance with the cost allocation plan set forth in the application-declaration. Services, consisting initially of executive and advisory, public relations and engineering advisory, later were expanded to include finance and accounting, tax, and area development advertising. During this period, insurance consulting and advisory services were commenced on a limited basis with plans in progress to provide complete services of this type in the near future. In addition, Service Company has undertaken studies to determine the feasibility of establishing centralized electronic data processing facilities for the Middle South System. Service Co.'s staff has been expanded to 26 with a present annual payroll of approximately \$335,550.

In the 12-month period ended September 30, 1964, Service Co. billed associate companies service charges totalling \$712,897, of which \$91,140, or 12.8 percent, was charged to Middle South and \$621,757, or 87.2 percent, was charged to associate operating companies. Included in these totals are expenses transferred from Middle South to Service Co. in the amount of \$235,242, of which \$154,354, or 65.6 percent was billed to associate operating companies and \$80,888, or 34.4 percent, was charged back to Middle South. Other contemplated transfers of expense from Middle South to Service Co. were not completed until January 1, 1965. If such transfers had been in effect during the 12-month period ended September 30, 1964, Service Co.'s billings to associate companies

would have amounted to approximately \$777,897 and the aggregate expenses transferred from Middle South to Service Co. would have totalled approximately \$390,242. Middle South will continue to bear the entire cost of its corporate and fiscal functions which total approximately \$1,005,344 per annum, including the aforesaid charges from Service Co.

Applicants-declarants state that Service Co. has encountered difficulties in recruiting personnel because of the temporary nature of the 1963 order, and that the problem can be mitigated if such order is made permanent at this time. Applicants-declarants have undertaken to make the Middle South System as self-sufficient and independent as possible as promptly as possible, and they represent that commitments with outside suppliers for services are being made under competitive conditions to the maximum extent feasible. It is further represented that ample justification now exists for the continued existence of Service Co. as a permanent part of the Middle South System, and applicants-declarants request that the 1963 order be made permanent, subject to the following terms and conditions:

1. No change in the organization of Service Co., the type and character of the companies to be serviced, the method of allocating costs to associate companies, or in the scope or character of services to be rendered, shall be made unless and until Service Co. shall first have given the Commission written notice of such proposed change not less than 60 days prior to the proposed effectiveness of any such change. If, upon the receipt of any such notice, the Commission within the 60-day period shall notify Service Co. that a question exists as to whether the aforesaid proposed change is consistent with the provisions of section 13 of the Act, or of any rule, regulation or order thereunder, the proposed change shall not become effective unless and until Service Co. shall have filed with the Commission an appropriate declaration with respect to such proposed change, and the Commission shall have permitted such declaration to become effective.

2. In the event that the operation of Service Co.'s cost allocation plan does not result in a fair and equitable allocation of its costs among the serviced associate companies, the Commission reserves the right to require after notice and opportunity for hearing, prospective adjustment, and, to the extent that it appears feasible and equitable, retroactive adjustments of such cost allocations.

3. Jurisdiction is reserved by the Commission to take such further action as may be necessary or appropriate to carry out the provisions of section 13 of the Act and the rules, regulations and orders thereunder.

Notice is further given that any interested person may, not later than March 22, 1965, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the said amended joint application-declaration which he desires to controvert; or he may

request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C., 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants-declarants, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed contemporaneously with the request. At any time after said date, the joint application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rule as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

For the Commission (pursuant to delegated authority).

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 65-2160; Filed, Mar. 2, 1965;
8:45 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 30]

ROCKY MOUNTAIN AREA

Delegation of Authority To Conduct Program Activities in Regional Offices

1. Pursuant to the authority delegated to the Area Administrator by Delegation of Authority 30 (Revision 10), 30 F.R. 972, the following authority is hereby re-delegated to the Regional Directors of Denver, Colo.; Salt Lake City, Utah; Sioux Falls, S. Dak.; Omaha, Nebr., and Wichita, Kans., within the Rocky Mountain Area:

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding \$350,000 (SBA's share).

2. To decline business and disaster loans of any amount.

3. To disburse approved loans.

4. To enter into business loan and disaster loan participation agreement with banks.

5. To approve section 502 loans as follows:

a. Direct loans not exceeding \$50,000.

b. Participation loans when the bank's share is 10 percent or more—not to exceed \$100,000.

6. To decline loan applications in the categories described in Item I.A.5., above.

7. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

By _____
(Name), Administrator.
(Name)
Regional Director,
(City)

8. To cancel, reinstate, modify and amend authorizations for business or disaster loans.

9. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents; and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To approve service charges by participating bank not to exceed 2 percent per annum on the outstanding principal balance of construction loans and loans involving accounts receivable and inventory financing.

12. To establish disaster field offices upon receipt of advice of the designation of a disaster area; to advise on the making of disaster loans; to appoint as a processing representative any bank in the disaster area; and to close disaster field offices when no longer advisable to maintain such offices.**

13. To take all necessary actions in connection with the administration, servicing, collection and liquidation of all loans and other obligations or assets, including collateral purchased; and to do and perform and to assent to the doing and performance of, all and every act and thing requisite and proper to effectuate the granted powers, including without limiting the generality of the foregoing:

a. The assignment, endorsement, transfer and delivery (but in all cases without representation, recourse or warranty) of notes, claims, bonds, debentures, mortgages, deeds of trust, contracts, patents and applications therefor, licenses, certificates of stock and of deposit, and any other liens, powers, rights, charges on and interest in or to property of any kind, legal and equitable, now or hereafter held by the Small Business Administration or its Administrator;

b. The execution and delivery of contracts of sale or of lease or sublease, quit-claim, bargain and sale or special warranty deeds, bills of sale, leases, subleases, assignments, subordinations, releases (in whole or part) of liens, satisfaction pieces, affidavits, proofs of claim in bankruptcy or other estates and such other instruments in writing as may be appropriate and necessary to effectuate the foregoing.

c. The approval of bank applications for use of liquidity privilege under the loan guaranty plan.

B. *Reserved.*

C. *Procurement and management assistance (only to the Denver Regional Director).* 1. To approve applications for Certificates of Competency received from small business concerns which are located within the geographical jurisdiction of the area office when the total value of the contract to be awarded as a result of the issuance of a COC does not exceed \$100,000.**

2. To deny an application for a Certificate of Competency when the regional director agrees with an adverse survey report as to production or credit, unless application for an SBA loan is being

filed, which if approved, might change the credit aspects of the case.**

D. *Administration.* 1. To advertise regarding the public sale of (a) collateral in connection with the liquidation of loans, and (b) acquired property.**

2. To purchase reproductions of loan documents, chargeable to the revolving fund, requested by United States Attorneys in foreclosure cases.

3. To (a) purchase all office supplies and expendable equipment, including all desk top items, and rent regular office equipment; (b) contract for repair and maintenance of equipment and furnishings; (c) contract for services required in setting up and dismantling and moving SBA exhibits and (d) issue Government bills of lading.

4. In connection with the establishment of Disaster Loan Offices, to (a) obligate Small Business Administration to reimburse General Services Administration for the rental of office space; (b) rent office equipment; and (c) procure (without dollar limitation) emergency supplies and materials.

5. To rent motor vehicles from the General Services Administration and to rent garage space for the storage of such vehicles when not furnished by this Administration.

E. *Eligibility determinations.* To determine eligibility of applicants for assistance under any program of the Agency in accordance with Small Business Administration standards and policies.

F. *Size determinations.* To make initial size determinations in all cases within the meaning of the Small Business Size Standards Regulations, as amended, and further, to make product classification decisions for financial assistance purposes only. Product classification decisions for procurement purposes are made by contracting officers.

II. To the Regional Directors of Helena, Mont.; Casper, Wyo.; and Fargo, N. Dak., within the Rocky Mountain Area, the following authority is hereby redelegated:

1. To approve the following:
 - a. Direct loans not exceeding \$100,000.
 - b. Participation loans not exceeding \$250,000 (SBA share).
 - c. Simplified bank participation loans not exceeding \$350,000 (SBA share).
 - d. Simplified early maturities participation loans not exceeding \$350,000 (SBA share).
 - e. Direct disaster loans not exceeding \$350,000.

f. Participation disaster loans not exceeding \$350,000 (SBA share).

2. To decline as follows:

- a. Business loans not exceeding \$250,000.
- b. Disaster loans not exceeding \$350,000.

3. To disburse approved loans.

4. Items I.A. 4 and 7 through 11, above.

5. Item I.A. 13, above—only the authority for servicing, administration and collection, including subitems a, b, and c.

6. To (a) make emergency purchases chargeable to the administrative expense fund, not in excess of \$25 in any one object class in any one instance but not more than \$50 in any 1 month for total

purchases in all object classes; (b) make purchases not in excess of \$10 in any one instance for "one-time use items" not carried in stock subject to the total limitations set forth in (a) of this paragraph; (c) to contract for the repair and maintenance of equipment and furnishings in an amount not to exceed \$25 in any one instance; and (d) purchase printing from the General Services Administration where centralized reproduction facilities have been established by GSA.

7. Items I.D. 4 and 5, above.

8. Item I.E. above. (Eligibility Determinations for Financial Assistance only.)

9. Item I.F. above. (Size Determinations for Financial Assistance only.)

III. The specific authority delegated in subsection I.A.12; subsections I.C.1 and 2 and subsection I.D.1 herein cannot be redelegated. These are indicated by asterisks (**). The specific authority in the remaining subsections may be redelegated to appropriate subordinate positions within the regions.

IV. All authority delegated herein may be exercised by any Small Business Administration employee designated as Acting Regional Director.

V. All authority previously delegated is hereby rescinded without prejudice to actions taken under such previous delegations of authority prior to the date hereof.

Effective date: February 1, 1965.

GEORGE E. SAUNDERS,
Acting Area Administrator,
Rocky Mountain Area.

[P.R. Doc. 65-2154; Filed, Mar. 2, 1965; 8:45 a.m.]

[Delegation of Authority 30-P.R., Amdt. 1]

PUERTO RICO

Delegation of Authority To Conduct Program Activities in the Regional Office

Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526 and Delegation of Authority 29 F.R. 14764; Delegation of Authority 30-P.R., 30 F.R. 1212, is hereby amended by revising Item I.A.1. to read as follows:

A. *Financial assistance.* 1. To approve business and disaster loans not exceeding \$350,000 (SBA share).

Effective date: February 12, 1965.

EUGENE P. FOLEY,
Administrator.

[P.R. Doc. 65-2155; Filed, Mar. 2, 1965; 8:45 a.m.]

[Delegation of Authority 30 (Rev. 10), Amdt. 1]

AREA ADMINISTRATORS

Delegation of Authority To Conduct Program Activities in the Area Offices

Pursuant to the authority vested in the Administrator by the Small Business Act,

72 Stat. 384, as amended; the Small Business Investment Act of 1950, 72 Stat. 689, as amended; Title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, and Delegation of Authority 29 F.R. 14764; Delegation of Authority 30 (Revised 10), 30 F.R. 972, is hereby amended by revising Item I.A.1. to read as follows:

A. *Financial assistance.* 1. To approve business loans not exceeding \$350,000 (SBA share) and disaster loans not exceeding \$1,000,000 (SBA share).

Effective date: February 12, 1965.

EUGENE P. FOLEY,
Administrator.

[P.R. Doc. 65-2156; Filed, Mar. 2, 1965; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 342]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

FEBRUARY 26, 1965.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1 (c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1 (d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1 (e)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successfully filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests; if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2589 (Deviation No. 3). C.A.B.Y. TRANSPORTATION COMPANY, 3212 St. Clair Avenue, Cleveland 14, Ohio, filed February 15, 1965. Carrier proposes to operate as a common carrier, by motor vehicle, of general commodities, with certain exceptions, over a deviation route as follows: From Akron, Ohio, over Interstate Highway 80 to Youngstown, Ohio, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Akron over Ohio Highway 18 to Youngstown, and return over the same route.

No. MC 3560 (Deviation No. 4). GENERAL EXPRESSWAYS, INC., 1205 South Platte River Drive, Denver 23, Colo., filed February 15, 1965. Carrier's attorney: O. Russell Jones, 207 Bokum Building, 142 West Palace Avenue, Santa

Fe, N. Mex., 87501. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 22 and New Jersey Highway 24 over Interstate Highway 78 to junction New Jersey Highway 24 approximately 3 miles east of Easton, Pa., thence over New Jersey Highway 24 to junction Interstate Highway 80 at or near Netcong, N.J., thence over Interstate Highway 80 to junction U.S. Highway 46 near Pine Brook, N.J., thence over U.S. Highway 46 to junction Interstate Highway 95 near Teaneck, N.J., thence over Interstate Highway 95 to junction U.S. Highway 1, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Canton over U.S. Highway 30 to junction Pennsylvania Turnpike near Irwin, Pa., thence over Pennsylvania Turnpike to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over U.S. Highway 22 to junction unnumbered highway near Paxtonia, Pa., thence over unnumbered highway via Paxtonia, Manadahl, Grantville, East Hanover, Jonestown, and Fredericksburg, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Bethel, Pa., thence over unnumbered highway via Bethel and Strausstown, Pa., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction unnumbered highway near Walbert, Pa., thence over unnumbered highway via Allentown, Bethlehem, Butztown, and Wilson, Pa., to Easton, Pa., thence over U.S. Highway 22 to junction unnumbered highway (formerly U.S. Highway 22), thence over unnumbered highway to Clinton, N.J., thence over unnumbered highway via Annandale, Lebanon, Potterstown, and Whitehouse, N.J., to junction U.S. Highway 22, thence over U.S. Highway 22 to junction New Jersey Highway 28, thence over New Jersey Highway 28 to junction U.S. Highway 1 near Elizabeth, N.J.; from Boston over U.S. Highway 1 to junction Alternate U.S. Highway 1 (formerly portion U.S. Highway 1), near Wickford, R.I., thence over Alternate U.S. Highway 1 to junction U.S. Highway 1, near Wakefield, R.I., thence over U.S. Highway 1 to Poquonock Bridge, Conn., thence over unnumbered highway via Groton, Conn., to junction Alternate U.S. Highway 1, at or near New London, Conn., thence over Alternate U.S. Highway 1 to junction U.S. Highway 1, at or near East Lyme, Conn., thence over U.S. Highway 1 via Philadelphia, Pa., to Washington (also from Philadelphia over U.S. Highway 13 to junction U.S. Highway 40, thence over U.S. Highway 40 to Baltimore, Md., thence over U.S. Highway 1 to Washington), and return over the same routes.

No. MC 78786 (Deviation No. 3), PACIFIC MOTOR TRUCKING COMPANY, 9 Main Street, San Francisco, Calif. Carrier's attorney: James J. Trabucco, 65 Market Street, San Francisco, Calif., filed February 16, 1965. Carrier proposes

to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Phoenix, Ariz., over temporary Arizona Highway 69 to junction Highline Drive, thence over Highline Drive to Guadalupe and West Chandler, thence over Maricopa Road to Maricopa and Casa Grande, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) from Phoenix, Ariz., over U.S. Highway 80 to Mesa, Ariz., thence over Arizona Highway 87 to Chandler, Ariz. (also from Phoenix over unnumbered highway to Chandler), thence over Arizona Highway 87 to junction Arizona Highway 84, thence over Arizona Highway 84 to Tucson and (2) from Picacho over Arizona Highway 84 to Casa Grande, Ariz., thence over Arizona Highway 187 to junction Arizona Highway 87 (also over unnumbered highway from Casa Grande to junction Arizona Highway 87), thence over Arizona Highway 87 to junction Arizona Highway 287, thence over Arizona Highway 287 to Florence, Ariz., thence over U.S. Highway 80 to Florence Junction, Ariz., thence over U.S. Highway 70 to Globe, and return over the same routes.

No. MC 78786 (Deviation No. 4), PACIFIC MOTOR TRUCKING COMPANY, 9 Main Street, San Francisco, Calif. Carrier's attorney: James J. Trabucco, 65 Market Street, San Francisco 5, Calif., filed February 16, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Phoenix, Ariz., over temporary Arizona Highway 69 through Peterson, Ariz., to junction Arizona Highway 87, south of Mesa, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Phoenix over U.S. Highway 80 to Mesa, Ariz., thence over Arizona Highway 87 to Chandler, Ariz. (also from Phoenix over unnumbered highway to Chandler), thence over Arizona Highway 87 to junction Arizona Highway 84, thence over Arizona Highway 84 to Tucson, and return over the same route.

No. MC 78786 (Deviation No. 5), PACIFIC MOTOR TRUCKING COMPANY, 9 Main Street, San Francisco, Calif., 94105. Carrier's attorney: James J. Trabucco, 65 Market Street, San Francisco 5, Calif., filed February 16, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Phoenix, Ariz., via South Phoenix and Broadway to Mill Avenue, thence to junction U.S. Highway 80 at Tempe, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Phoenix over U.S. Highway 80 to Mesa, Ariz., thence from Arizona Highway 87

to Chandler, Ariz. (also from Phoenix over unnumbered highway to Chandler), thence over Arizona Highway 87 to junction Arizona Highway 84, thence over Arizona Highway 84 to Tucson, and return over the same route.

No. MC 107500 (Deviation No. 22), BURLINGTON TRUCK LINES, INC., 796 South Pearl Street, Galesburg, Ill., filed February 15, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: From Annawan, Ill., over Interstate Highway 80 to junction Interstate Highway 280, thence over Interstate Highway 280 to junction Interstate Highway 280 and U.S. Highway 150 near Moline, Ill.; and from Annawan, over Interstate Highway 80 to Princeton, Ill., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Sheffield, Ill., over U.S. Highway 6 to Davenport, Iowa, and from Chicago, Ill., over U.S. Highway 34 to junction Illinois Highway 65, thence over Illinois Highway 65 to Aurora, Ill., thence over Illinois Highway 31 to junction U.S. Highway 34 (also from junction U.S. Highway 34 and Illinois Highway 65 over U.S. Highway 34 to junction Illinois Highway 31), thence over U.S. Highway 34 to Glenwood, Iowa, thence over U.S. Highway 275 to junction Iowa Highway 375, thence over Iowa Highway 375 to Council Bluffs, Iowa, and thence over U.S. Highway 6 to Omaha, Nebr., and return over the same routes.

No. MC 114360 (Sub-No. 4) (Deviation No. 4), SOUTHERN EXPRESS COMPANY, 3333 South Cicero Avenue, Cicero, Ill., filed November 23, 1964. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Akron, Ohio, over Interstate Highway 80S to junction Ohio Highway 45, thence over Ohio Highway 45 to Warren, Ohio; (2) from Akron over Interstate Highway 80S to junction Ohio Highway 18, thence over Ohio Highway 18 to Youngstown, Ohio; (3) from Akron over Interstate Highway 80S to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 422, thence over U.S. Highway 422 to Youngstown; and (4) from Akron over Interstate Highway 80S to junction Interstate Highway Highway 80, thence over Interstate Highway 80 to junction Ohio Highway 170 (formerly Ohio Highway 90), thence over Ohio Highway 170 (formerly Ohio Highway 90) to Youngstown, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Akron over Ohio Highway 5 to Warren; and (2) from Akron over Ohio Highway 18 to Youngstown, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1200 (Deviation No. 1), RHODE ISLAND BUS CORP., 375 Prom-

enade Street, Providence 1, R.I. Carrier's attorney: John R. Sims, Jr., Post Office Box 9101, Arlington, Va., 22009, filed February 17, 1965. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express*, and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 1 and Interstate Highway 95 at Pawtucket, R.I., over Interstate Highway 95 to junction U.S. Highway 1 at Sharon, Mass., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: Between Providence, R.I., and Boston, Mass., over U.S. Highway 1.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[P.R. Doc. 65-2189; Filed, Mar. 2, 1965;
8:48 a.m.]

[Notice 738]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 26, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the *FEDERAL REGISTER*, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

No. MC 107818 (Sub-No. 35), filed February 19, 1965. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's attorney: Martin Sack, Jr., 710 Atlantic Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, food ingredients and food materials and related advertising and promotional materials*, from points in Dade, Broward, and Palm Beach Counties, Fla., to points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: March 10, 1965, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner Alvin H. Schuttrumpf.

No. MC 116410 (Sub-No. 6) (AMENDMENT), filed September 12, 1963, published *FEDERAL REGISTER* issue of October 16, 1963, and republished as amended this issue. Applicant: R. W. BRADSHAW, doing business as R. W. BRADSHAW TRANSFER, Box 203, Winchester, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and

B explosives, commodities in bulk, oil drilling equipment, and commodities which because of size or weight require special equipment), between points in Franklin, Moore, Coffee, Lincoln, and Bedford Counties, Tenn., on the one hand, and, on the other, points in Arkansas, Iowa, Oklahoma, Texas, and West Virginia. Note: The purpose of this republication is to more clearly set forth applicant's proposed operation.

FURTHER HEARING: March 25, 1965, at the Dinkler-Andrew Jackson Hotel, Nashville, Tenn., before Examiner J. Thomas Schneider.

NOTICE OF FILING OF PETITIONS

No. MC 89520 (Sub-No. 8) (PETITION FOR FURTHER MODIFICATION OF PERMIT), filed February 15, 1965. Petitioner: C. J. VAN BEEKUM, INC., Lubbock, Tex., petitioner's attorney: William G. Spruill, Suite 1250, Federal Bar Building, 1815 H Street NW., Washington, D.C., 20006. By application filed February 16, 1954, as amended, petitioner sought a permit authorizing operation, as a contract carrier by motor vehicle, of Classes A, B, and C explosives, blasting supplies, materials and agents, between the site of magazines of Atlas Powder Co. within 10 miles of Baxter Springs and Pittsburg, Kans., and Atlas and Webb City, Mo., on the one hand, and, on the other, all points in Arizona, New Mexico, and Texas, over irregular routes. Petitioner was issued a Permit authorizing operations as a contract carrier to transport (1) Classes A, B, and C explosives and (2) blasting supplies other than those included in parenthesis 1. After petition, the commodity description was changed to read: Classes A and B explosives, and blasting materials and supplies. By the instant petition, petitioner requests that the Interstate Commerce Commission reopen No. MC 89520 (Sub-No. 8), and grant it authority to transport *Classes A, B, and C explosives, and blasting materials, agents, and supplies*, in lieu of its present commodity description. Any person or persons desiring to participate in this proceeding, may, within 30 days from the date of this publication in the *FEDERAL REGISTER*, file an appropriate pleading, consisting of an original and six copies each.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9036. Authority sought for purchase by RAYMOND B. LONG, INC., Ridge Road, Tytersport, Pa., of a portion of the operating rights of INDUSTRIAL TRUCKING SERVICE CORPORATION, Swamp Road and Route 232, Penns Park, Pa., and for acquisition by RAYMOND B. LONG, also of Tytersport, Pa., of control of such rights through the purchase. Applicants' attorney: Morris J. Winokur,

1920 Two Penn Center Plaza, Philadelphia, Pa., 19102. Operating rights sought to be transferred: *Such bulk commodities* as are transported in dump trucks, as a *common carrier* over irregular routes, between points in Philadelphia, Delaware, Chester, and Montgomery Counties, Pa., on the one hand, and, on the other, points in New Jersey, Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9037. Authority sought for purchase by BEST TRUCK LINES, INC., 325 North Main Street, Ottawa, Kans., of the operating rights of FLOYD MAINS, Garnett, Kans. Applicants' attorney: Richard C. Byrd, First National Bank Building, Ottawa, Kans. Operating rights sought to be transferred: *Live poultry, eggs, wrecked automobiles, scrap iron, hay, and grain*, as a *common carrier*, over regular routes from Garnett, Kans., to Kansas City, Mo., serving the intermediate and off-route points within 20 miles of Garnett, restricted to pickup of hay and grain, and the off-route point of North Kansas City, Mo., restricted to delivery; *agricultural implements, lumber, building material, petroleum products in containers, feed, hardware, fertilizer, grain, tile, fencing and roofing materials, iron and steel articles, and steel tanks*, from Kansas City, Mo., to Garnett, Kans., serving no intermediate points, and the off-route point of North Kansas City, Mo., restricted to pickup; *household goods and emigrant movables*, over irregular routes, between Garnett, Kans., and points within 20 miles of Garnett, on the one hand, and, on the other, points in Missouri; and *livestock*, between Garnett, Kans., and points within 20 miles of Garnett, on the one hand, and, on the other, Kansas City and North Kansas City, Mo., and Kansas City, Kans. Vendee is authorized to operate as a *common carrier* in Kansas and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-9038. Authority sought for purchase by ROSS NEELY EXPRESS, INC., 3601 Fifth Avenue, North, Birmingham, Ala., of the operating rights of E. L. PHILLIPS, doing business as PHILLIPS FREIGHT LINE, Tuscaloosa, Ala., and for acquisition by ROSS NEELY, JR., also of Birmingham, Ala., of control of such rights through the purchase. Applicants' attorney: R. S. Richard, Post Office Box 2069, Montgomery, Ala. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-121136 Sub-1, covering the transportation of general commodities, as a *common carrier*, in intrastate commerce, within the State of Alabama. Vendee is authorized to operate as a *common carrier* under a certificate of registration in Docket No. MC-99610 Sub-2, in the State of Alabama. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-9039. Authority sought for control by JOHN J. VAN GONSIC, JR.,

CYNTHIA BERARDI, JOAN HAMILTON, all of 495 Broadway, Kingston, N.Y., and MARTIN J. KELLY, JR., 70 Pine Street, New York, N.Y., 10005, of PINE HILL-KINGSTON BUS CORPORATION, 27 Clinton Avenue, Kingston, N.Y., 12401. Applicants' attorney and representative: Martin J. Kelly, Jr., 70 Pine Street, New York, N.Y., 10005, and John J. Van Gonsic, Jr., 495 Broadway, Kingston, N.Y. Operating rights sought to be controlled: Passengers and their baggage, as a common carrier, over regular routes, between Oneonta, N.Y., and New York, N.Y., serving certain intermediate points, between Cooperstown, N.Y., and Oneonta, N.Y., serving certain intermediate points. VAN GONSIK, JR., CYNTHIA BERARDI, JOAN HAMILTON, and MARTIN J. KELLY, JR., hold no authority from this Commission. However, they are affiliated with ADIRONDACK TRANSIT LINES, INC., 495 Broadway, Kingston, N.Y., which is authorized to operate as a common carrier in New Jersey and New York. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SKAL] BERTHA F. ARMES,
Acting Secretary.

[P.R. Doc. 65-2190; Filed, Mar. 2, 1965;
8:48 a.m.]

[Notice 749]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

FEBRUARY 26, 1965.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

APPLICATIONS ASSIGNED FOR ORAL HEARING

The applications immediately following are assigned for hearing at the time and place designated in the notice of filing as here published in each proceeding. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(1) All of the testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in written statement as numbered appendices thereto.

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(4) The admissibility of the evidence contained in the written statements and the appendices thereto, will be at the time of offer, subject to the same rules as if the evidence were produced in the usual manner.

(5) Supplemental testimony by a witness to correct errors or to supply inadvertent omissions in his written statement is permissible.

No. MC 41404 (Sub-No. 51), filed February 18, 1965. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 151, Fulton Highway, Martin, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meat, meat products, meat byproducts and articles distributed by meat packinghouses (except liquid commodities, in bulk, in tank vehicles and hides, pelts, and skins), from the plant site of Blue Ribbon Beef Pack, Inc., at or near Mason City, Iowa, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

HEARING: March 10, 1965, at the Iowa Commerce Commission, East 12th and Court Avenues, Des Moines, Iowa, before Examiner David Waters.

No. MC 107818 (Sub-No. 34), filed February 17, 1965. Applicant: GREENSTEIN TRUCKING COMPANY, a corporation, 280 Northwest 12th Avenue, Pompano Beach, Fla. Applicant's attorney: Martin Sack, 710 Atlantic Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods, potato products other than frozen with or without other ingredients, cooked, diced, flaked, powdered, shredded, or sliced from Greenville, Mich., to points in Florida, Georgia, Alabama, Kentucky, Tennessee, Virginia, Mississippi, North Carolina, and South Carolina.

HEARING: April 12, 1965, at the Statler Hilton Hotel, 1565 Washington Boulevard, Detroit, Mich., before Examiner Harry M. Shooman.

No. MC 108912 (Sub-No. 11) filed February 23, 1965. Applicant: CHICAGO PITTSBURGH EXPRESS, INC., 134 North La Salle Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a common carrier by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, and such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (other than commodities in bulk, in tank vehicles), from the plant site of the Blue Ribbon Beef Pack, Inc. located at or near Mason City, Iowa to points in Ohio, Pennsylvania, New York, New Jersey, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and West Virginia.

HEARING: March 10, 1965, at the Iowa Commerce Commission, East 12th

and Court Avenues, Des Moines, Iowa, before Examiner David Waters.

No. MC 110988 (Sub-No. 97) (AMENDMENT), filed October 23, 1964, published FEDERAL REGISTER issue of November 11, 1964, amended February 11, 1965, and republished, as amended, this issue. Applicant: KAMPO TRANSIT, INC., 200 West Cecil Street, Neenah, Wis. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C., 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Acids and chemicals, in bulk, from the Tri-City Regional Port District Complex located in Madison County, Ill., to points in the United States (except Alaska and Hawaii).

NOTE: The purpose of this republication is to broaden the scope of the proposed operation.

HEARING: March 29, 1965, at the Pick-Mark Twain Hotel, 116 North Eighth Street, St. Louis, Mo., before Examiner Wm. N. Culbertson.

No. MC 116997 (Sub-No. 10), filed February 23, 1965. Applicant: CHRISPENS TRUCK LINES, INC., 348 West 42d Place, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, articles distributed by meat packinghouses and such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in Sections A, C, and D, of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (other than commodities in bulk, in tank vehicles), from the plant site of the Blue Ribbon Beef Pack, Inc. located at or near Mason City, Iowa to points in Indiana, Kentucky, Pennsylvania, and Ohio.

HEARING: March 10, 1965, at the Iowa Commerce Commission, East 12th and Court Avenues, Des Moines, Iowa, before Examiner David Waters.

No. MC 119792 (Sub-No. 19), filed February 23, 1965. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a corporation, 4000 Packers Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Meats, meat products, meat byproducts, and articles distributed by meat packinghouses and such commodities as are used by meatpackers in the conduct of their business when destined to and for use by meatpackers, as described in Sections A, C, and D, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (other than commodities in bulk, in tank vehicles), from the site of the plant of the Blue Ribbon Beef Pack, Inc. located at or near Mason City, Iowa, to points in Arkansas, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Kentucky and Tennessee.

HEARING: March 10, 1965, at the Iowa Commerce Commission, East 12th and Court Avenue, Des Moines, Iowa, before Examiner David Waters.

No. MC 125368 (Sub-No. 8), filed February 23, 1965. Applicant: CONNELL TRANSPORT CO., INC., Post Office Box 846, Warren, Ohio. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (other than commodities in bulk, in tank vehicles), as described in Sections A and C, Appendix I, in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of the Blue Ribbon Beef Pack, Inc., located at or near Mason City, Iowa, to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, and the District of Columbia.

NOTE: Applicant is also authorized to conduct contract carrier operations in Permit No. MC 111442 (Sub-No. 1) and sub thereunder, therefore, dual operations may be involved.

HEARING: March 10, 1965, at the Iowa Commerce Commission, East 12th and Court Avenues, Des Moines, Iowa, before Examiner David Waters.

By the Commission.

[SEAL] BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-2191; Filed, Mar. 2, 1965;
8:48 a.m.]

[Notice 739]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 26, 1965.

The following applications are governed by Special Rule 1.247¹ of the Commission's general rules of practice (49 CFR 1.247), published in the *FEDERAL REGISTER*, issue of December 3, 1963, effective January 1, 1964. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the *FEDERAL REGISTER*. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with § 1.40 of the general rules of practice which requires that it set forth specifically the grounds upon which it is made and specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and six (6) copies of the protests shall be filed with the Commission, and a copy shall be

¹ Copies of Special Rule 1.247 can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C., 20423.

served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of § 1.247(d) (4) of the special rule. Subsequent assignment of these proceedings for oral hearing, if any, will be by Commission order which will be served on each party of record.

No. MC 11899 (Sub-No. 14), filed February 11, 1965. Applicant: STEVENS TRUCK LINES, INC., 893 Ridge Road, Webster, N.Y. Applicant's representative: Raymond A. Richards, 35 Curtice Park, Webster, N.Y., 14580. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New empty containers, covers, lids, and tops*, from points in Ohio and Pennsylvania, to points in Monroe and Wayne Counties, N.Y.

NOTE: Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 17002 (Sub-No. 23), filed February 17, 1965. Applicant: CASE DRIVEWAY, INC., Post Office Box 1156, Huntington, W. Va. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Articles*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, together with related tools, machinery, parts, and supplies moving in conjunction therewith, between points in Gallia, Lawrence, and Scioto Counties, Ohio; and points in Boyd, Carter, Greenup, Lawrence, Johnson, Floyd, Martin, and Pike Counties, Ky.; and that part of West Virginia west of U.S. Highway 21 and (2) *heavy machinery*, each weighing 15,000 pounds or more, self-propelled or not, and not requiring special equipment, between points in West Virginia, Virginia, Ohio, Kentucky, and that part of Pennsylvania west of U.S. Highway 15.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 22278 (Sub-No. 22), filed February 11, 1965. Applicant: TAKIN BROS., FREIGHT LINE, INC., 2125 Commercial Street, Waterloo, Iowa, 50705. Applicant's attorney: Truman A. Stockton, The 1650 Grant Street Building, Denver, Colo. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Chemicals, fertilizer, and fertilizer ingredients*, in bags, serving Erie, Ill., and points within 5 miles thereof as off-route points in connection with applicant's regular route operations.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29886 (Sub-No. 200), filed February 10, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (address same as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Hoisting, loading, earthmoving, or materials handling ma-*

chinery, and equipment, weighing not less than 15,000 pounds, and (2) *parts of the commodities named in (1) above*, between points in Tennessee, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, and Connecticut.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 29886 (Sub-No. 201), filed February 12, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Hoisting, loading, earthmoving, or materials handling machinery, and equipment*, weighing not less than 15,000 pounds, and (2) *parts of the commodities named in (1) above*, between points in Tennessee, on the one hand, and, on the other, points in Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, and Montana.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 29886 (Sub-No. 202), filed February 15, 1965. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Street sweepers*, fully assembled and partly dismantled, and (2) *parts, attachments, and accessories for items in (1) above*, in driveway and truckaway service, between Indianapolis, Ind., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 30657 (Sub-No. 17), filed February 4, 1965. Applicant: DIXIE HAULING COMPANY, a corporation, 959 Bankhead Avenue, Atlanta, Ga. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Garbage cans, tubs, pails, oil containers, and wastebaskets* (except those made of fiberboard), from Scranton, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, North Carolina, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, and *rejected and damaged shipments of the above commodities*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31600 (Sub-No. 576) (AMENDMENT), filed November 18, 1964, published *FEDERAL REGISTER* issue of December 9, 1964, amended February 16, 1965, and republished as amended this issue. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's at-

torneys: E. Stephen Helsley and Harry C. Ames, Jr., Transportation Building, Washington, D.C., 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk, in tank or hopper type vehicles, from Adams, Mass., to Rumford, Maine.

NOTE: The purpose of this republication is to show Adams, Mass., as the origin point in lieu of Lee, Mass., as previously published. Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 31879 (Sub-No. 13), filed January 25, 1965. Applicant: EXHIBITORS FILM DELIVERY & SERVICE CO., INC., 120 West 17th Street, Kansas City, Mo. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn., 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and livestock), between Kansas City, Mo., and points in its commercial zone, as defined by the Commission and points in Kansas on and west of U.S. Highway 81 extending from the Nebraska-Kansas State line to the Oklahoma-Kansas State line, restricted to shipments of 100 pounds or less and further restricted to perform no service for the transportation of any package or article weighing in excess of 100 pounds per package or article, nor in excess of 100 pounds per shipment per day from one consignor at one location to one consignee at one location.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., Topeka or Wichita, Kans.

No. MC 52751 (Sub-No. 45), filed February 16, 1965. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa, 50317. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, and tubing*, from Fairbury, Ill., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 80428 (Sub-No. 41) (CORRECTION), filed January 26, 1965, published *FEDERAL REGISTER* issue February 10, 1965, and republished as corrected this issue. Applicant: MCBRIDE TRANSPORTATION, INC., Main Street, Goshen, N.Y. Applicant's attorney: Martin Werner, Two West 45th Street, New York 36, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, syrups, blends, or mixtures of syrups, and/or sugar*, in bulk, in tank vehicles, from Town of Montezuma, Cayuga County, N.Y., to points in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, Rhode Is-

land, and West Virginia, and returned, refused, and rejected shipments of the above commodities, on return.

NOTE: The purpose of this republication is to correctly set forth the commodity description. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 82492 (Sub-No. 18), filed February 10, 1965. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 900 Monroe Avenue NW., Grand Rapids, Mich., 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared infant foods and infant clothing and supplies*, from Fremont, Mich., to Sioux Falls, S. Dak., and points in Minnesota on, east and south of a line beginning at the Iowa-Minnesota State line on U.S. Highway 59 and extending along U.S. Highway 59 to junction Minnesota Highway 60, thence northeast along Minnesota Highway 60 to junction U.S. Highway 71, thence north along U.S. Highway 71 to junction Minnesota Highway 23, thence northeast along Minnesota Highway 23 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 10; thence southeast along U.S. Highway 10 to junction U.S. Highway 12, and thence east along U.S. Highway 12 to the Minnesota-Wisconsin State line.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 85465 (Sub-No. 9), filed February 11, 1965. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 350, Scottsbluff, Nebr. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Scottsbluff, Nebr., and Fort Morgan, Colo.

NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 91971 (Sub-No. 1) (CLARIFICATION), filed January 22, 1965, published *FEDERAL REGISTER* issue of February 17, 1965, and republished as clarified this issue. Applicant: PARSONS COAL COMPANY, INC., First and Jackson Streets, East Liverpool, Ohio. Applicant's representative: D. L. Bennett, 213 First National Bank, 2207 National Road, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk (except in dump trucks), and those requiring special equipment (except in dump trucks)), limited to truckload shipments only, between East Liverpool, Ohio, on the one hand, and, on the other, points in Butler, Allegheny, and Washington Counties, Pa.

NOTE: Applicant states that shipments to be handled thereunder will be ex-barge, ex-rail, or ex-truck from Parsons River terminal

at East Liverpool, Ohio; or to Parsons River terminal at East Liverpool, Ohio for transshipment via barge, rail or truck. The purpose of this republication is to more clearly set forth the authority sought. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 106398 (Sub-No. 260), filed February 10, 1965. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. Applicant's attorney: Fred M. Mock, Jr. (address same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Pittsylvania County, Va. to points in the United States (except Alaska and Hawaii).

NOTE: If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 107107 (Sub-No. 335), filed February 12, 1965. Applicant: ALTERMAN TRANSPORT LINES, INC., Post Office Box 458, Allapattah Station, Miami, Fla., 33142. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Florida, to points in Connecticut, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 107311 (Sub-No. 16), filed February 12, 1965. Applicant: PACIFIC WESTERN TRANSPORT, INC., Box 661, Lewiston, Idaho. Applicant's attorney: Donald A. Ericson, Suite 708, Old National Bank Building, Spokane 1, Wash. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock, machinery, heavy machinery, cement, in bulk and in bags, building materials, seeds, livestock feeds, animal medications, wood chips, and commodities requiring special equipment because of size and weight*, between points in Oregon, Washington, and Idaho, within 150 miles of Orofino, County of Clearwater, Idaho, on the one hand, and, on the other, points in Lincoln, Sanders, Mineral, Ravalli, Flathead, Lake, Missoula, Granite, Deer Lodge, Silver Bow, Powell, Lewis and Clark, Beaverhead, Cascade, Glacier, Pondera, Teton, Jefferson, Madison, and Toole Counties, Mont., Union, Umatilla, Baker, Walla, Morrow, Grant, Sherman, Gilliam, Jefferson, Deschutes, Crook, Wheeler, Harney, Wasco, and Malheur Counties, Oreg., and Spokane County, Wash.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Lewiston, Idaho, or Spokane, Wash.

No. MC 107403 (Sub-No. 610), filed February 11, 1965. Applicant: MALLACK, INC., 10 West Baltimore Avenue, Landsdowne, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizer solutions, ammoniating solutions, and aqua ammonia*, from the plant site of Southern Nitrogen Co., Inc., located at or near Columbia Park (Finney),

Miami Township, Hamilton County, Ohio, to points in Illinois, Indiana, Kentucky, and Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107403 (Sub-No. 612), filed February 10, 1965. Applicant: MATHIAS, INC., 10 West Baltimore Avenue, Lansdowne, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from River-view (Washington County), Ohio, to points in Indiana, Kentucky, Michigan, Pennsylvania, and West Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108449 (Sub-No. 196), filed January 22, 1965. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and fertilizer ingredients*, from Perry, Iowa and points within five (5) miles thereof, to points in Illinois, Minnesota, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 108449 (Sub-No. 198), filed February 11, 1965. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West County Road "C", St. Paul, Minn., 55113. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, fertilizers, and fertilizer ingredients*, from East Dubuque, Ill., to points in Illinois, Indiana, Wisconsin, Iowa, Missouri, Kansas, Nebraska, South Dakota, and Minnesota.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 110525 (Sub-No. 705), filed February 11, 1965. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz, 1155 15th Street NW., Washington, D.C., 20005 and Edwin H. van Deusen (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Precast or prestressed concrete products*, from the plantsite of Spancrete Northeast, Inc., at or near South Bethlehem, N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110663 (Sub-No. 8) (AMENDMENT), filed January 29, 1965, published FEDERAL REGISTER issue of February 17, 1965, under MC 125040 (Sub-No. 1), amended February 18, 1965, and repub-

lished, as amended, this issue. Applicant: R. CONLEY, INC., Seneca Street, Elma, N.Y. Applicant's attorney: William J. Hirsch, 43 Niagara Street, Buffalo, N.Y., 14202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Liquid sugar, invert sugar, syrups, blends, or mixtures of syrups and/or sugar*, in bulk, in tank vehicles, from the Town of Montezuma (Cayuga County), N.Y., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, and returned, refused, and rejected shipments, on return.

NOTE: The purpose of this republication is to change the proposed operation from a "common carrier" to a "contract carrier" and to show the new docket No. MC 110663 (Sub-No. 8) in lieu of MC 125040 (Sub-No. 1) as previously published. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (Sub-No. 58), filed February 11, 1965. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Russellville, Ark., and points within five miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Louisiana, Missouri, Nebraska, Oklahoma, and Texas.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111729 (Sub-No. 48), filed February 10, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, 1625 K Street NW., Washington, D.C., 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) *Whole human blood and blood derivatives*, between Cleveland, Ohio, on the one hand, and, on the other, Detroit, Mich.; (B) *business papers, records, used stamp books, stock replenishment orders, and audit and accounting media of all kinds (except plant removals)*, (1) between Skokie, Ill., on the one hand, and, on the other, Davenport, Clinton, Dubuque, Burlington, and Waterloo, Iowa, Omaha, Nebr.; Anderson, Ind.; and Lansing, Mich. (2) between Des Moines, Iowa, on the one hand, and, on the other, Waterloo, Iowa, and Omaha, Nebr. (3) between Indianapolis, Ind., on the one hand, and, on the other, Anderson, Ind. and (4) between Detroit, Mich., on the one hand, and, on the other, Lansing, Mich. Applicant states "transportation authorized in items (2), (3), and (4) above is limited to traffic having an immediate prior or subsequent movement by air and to shipments moving between Skokie, Ill., on the one hand, and, on the other, Waterloo, Iowa, Omaha, Nebr., Anderson, Ind., and Lansing, Mich." The proposed operations are subject to the following restriction: no service shall be performed under the authority

granted herein for any bank or banking institution, namely, any national bank, state bank, Federal Reserve bank, savings and loan association, or savings bank.

NOTE: Applicant is also authorized to conduct operations as a contract carrier under MC 112750 and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112520 (Sub-No. 116), (AMENDMENT), filed January 21, 1965, published in FEDERAL REGISTER issue of February 10, 1965, amended February 18, 1965, and republished as amended this issue. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Post Office Box 1200, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 1730 American Heritage Life Building, Jacksonville, Fla., 32202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Panama City, Fla. to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

NOTE: The purpose of this republication is to add Arkansas, Louisiana, Mississippi, and Oklahoma to the destination territory. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 112750 (Sub-No. 209), filed February 10, 1965. Applicant: ARMORED CARRIER CORPORATION, 222-17 Northern Boulevard, Bayside, N.Y. Applicant's attorney: Russell S. Bernhard, Commonwealth Building, 1625 K Street NW., Washington, D.C. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments*, including originals and copies of checks, drafts, notes, money orders, travelers' checks, and canceled bonds, and accounting papers relating thereto, including originals and copies of cash letters, letters or transmittal, summary sheets, adding machine tapes, deposit records, withdrawal slips, and debit and credit records (except coin, currency, bullion, and negotiable securities) between points in Allen County, Ind., on the one hand, and, on the other, Pittsburgh, Pa., Detroit, Mich., Cincinnati, Cleveland, and Toledo, Ohio, and points in Defiance, Mercer, Paulding, Van Wert, and Williams Counties, Ohio.

NOTE: Applicant states that the above operations will be under continuing contracts with banks and banking institutions only, namely, national banks, state banks, Federal Reserve banks, savings and loan associations, and savings banks. Applicant also holds temporary authority to operate as a common carrier under MC 111729 and subs thereon. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 112822 (Sub-No. 51), filed February 4, 1965. Applicant: EARL BRAY, INC., Post Office Box 1191, Linwood and North Streets, Cushing, Okla. Applicant's attorney: Marion F. Jones, 420 Denver Club Building, Denver, Colo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Baby foods and baby supplies*, from the plant site of Gerber Products Company, located at

Fort Smith, Ark. to points in New Mexico and Colorado.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 113678 (Sub-No. 107), filed February 11, 1965. Applicant: CURTIS, INC., 770 East 51st Avenue, Denver, Colo., 80216. Applicant's attorney: Duane W. Acklie, Post Office Box 2028, Lincoln, Nebr. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packing-houses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from points in Dakota County, Nebr. to points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Utah, Virginia, and Washington.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa or Omaha, Nebr.

No. MC 114290 (Sub-No. 23), February 8, 1965. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, Oreg., 97202. Applicant's attorney: James T. Johnson, 1625 IBM Building, Seattle, Wash., 98101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Frozen juices and concentrates* from Prosser, Wash., to Portland, Oreg., and (2) *frozen vegetables* from Weston, Oreg. to Portland, Oreg., service under both (1) and (2) restricted to shipments for storage in transit at Portland, Oreg. and subsequent outbound movement to points in California applicant is presently authorized to serve.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 114569 (Sub-No. 71), filed February 11, 1965. Applicant: SHAFER TRUCKING, INC., Elizabethtown, Pa. Applicant's attorney: James W. Hagar, Commerce Building, Harrisburg, Pa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned and bottled food products*, from Lozes and Cade, La. to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 114699 (Sub-No. 27), filed February 10, 1965. Applicant: TANK LINES, INCORPORATED, Post Office Box 6415, Dabney Road, Richmond 30, Va. Applicant's attorney: E. Stephen Heisley, Transportation Building, Washington, D.C. Authority sought to operate as a common carrier, by motor ve-

hicle, over irregular routes, transporting: (1) *Edible vegetable oils* in bulk, in tank vehicles, from Philadelphia, Pa., to points in Georgia, North Carolina, and South Carolina, (2) *edible and inedible animal oils* in bulk, in tank vehicles, from points in King George County, Va., to points in Delaware, District of Columbia, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia and (3) *edible and inedible animal oils* in bulk, in tank vehicles, from Smithfield, Va., to points in Delaware, District of Columbia, Georgia, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, and Virginia.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114725 (Sub-No. 20), filed February 11, 1965. Applicant: WYNNE TRANSPORT SERVICE, INC., 1528 North 11th Street, Omaha, Nebr. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having a prior or subsequent movement by rail and/or water, and *damaged and rejected shipments*, between points in Iowa, Nebraska, North Dakota, South Dakota, Kansas, and Missouri.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr. or Des Moines, Iowa.

No. MC 115331 (Sub-No. 100), filed February 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer solutions, and fertilizer materials*, in bulk, and in bags, from Union and Speer, Ill., and points within five miles of Union and Speer, Ill., to points in Indiana, Iowa, Michigan and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115331 (Sub-No. 101), filed February 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, nitrogen fertilizers, ammoniating solutions and aqua ammonia*, in bulk, in tank vehicles, from the plant site of Southern Nitrogen, Inc., located at or near Columbia Park (Finney), Hamilton County, Ohio, to points in Illinois, Indiana, and the lower peninsula of Michigan.

NOTE: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Cincinnati, Ohio.

No. MC 115331 (Sub-No. 102), filed February 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from

South Beloit, Ill., to points in Iowa, Kansas, Michigan, Minnesota, New Jersey, New York, Oklahoma, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115331 (Sub-No. 103), filed February 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid dextrose*, in bulk, in tank vehicles, from Decatur, Ill., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115331 (Sub-No. 104), filed February 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Streator, Ill., to points in Indiana and Iowa.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115331 (Sub-No. 105), filed February 15, 1965. Applicant: TRUCK TRANSPORT, INCORPORATED, 707 Market Street, St. Louis, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and fertilizer solutions*, in bulk, and in bags, from Chicago Heights, Ill., to points in Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 115826 (Sub-No. 45), filed February 8, 1965. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, Colo. Applicant's attorney: J. Max Harding, Box 2028, Lincoln, Nebr., 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, articles distributed by meat-packing houses, and such commodities* as are used by meat packers in the conduct of their business when destined to and for use by meat packers, as described in Sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Garden City, Kans., and points within ten (10) miles thereof, to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, and *damaged and rejected shipments*, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

No. MC 115841 (Sub-No. 222), filed February 11, 1965. Applicant: COLONIAL REFRIGERATED TRANSPORT,

TATION, INC., 1215 Bankhead Highway West, Post Office Box 2169, Birmingham, Ala. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Roanoke, Va., to Memphis, Nashville and Chattanooga, Tenn. and Russellville, Ark.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Memphis or Nashville, Tenn.

No. MC 116038 (Sub-No. 23), filed February 10, 1965. Applicant: NORTHERN MOTOR CARRIERS, INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 711 14th Street NW., Washington, D.C., 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ground limestone*, in bulk, in pneumatic tank vehicles, from Rutland, West Rutland and Florence, Vt., to ports of entry on the international boundary line between the United States and Canada at or near Champlain, and Rouses Point, N.Y., and Highgate, Vt., for further shipment to the Province of Quebec, Canada, and refused or rejected shipments, on return.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 117561 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 117570 (Sub-No. 5), filed February 12, 1965. Applicant: S & S TRUCKING, INC., 1075 Polk Boulevard, Des Moines, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Crushed rock*, in bulk, in vehicles equipped with dump bodies, (1) from points in Page County, Iowa to points in Atchison County, Mo., and (2) from points in Taylor County, Iowa to points in Nodaway County, Mo.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 117815 (Sub-No. 32), filed January 13, 1965. Applicant: PULLEY FREIGHT LINES, INC., 2341 Easton Boulevard, Des Moines, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packing-houses* as described in Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin to points in Iowa, Kansas, Missouri, Nebraska, and Ohio.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 118831 (Sub-No. 34), filed February 11, 1965. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transport-

ing: *Cement*, in bags, from Spencer, N.C., to points in North Carolina, Virginia, South Carolina, and Georgia, and refused or unclaimed products, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 118831 (Sub-No. 36), filed February 11, 1965. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry commodities*, in bulk, between points in North Carolina.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 118831 (Sub-No. 37), filed February 11, 1965. Applicant: CENTRAL TRANSPORT, INCORPORATED, Uwharrie Road, Post Office Box 5044, High Point, N.C. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wet and dry phosphate rock and phosphate products* in bulk, from points in Beaufort County, N.C., and points within 25 miles thereof, to points in North Carolina, Virginia, and South Carolina and refused and unclaimed products, on return.

NOTE: Applicant does not specify place of hearing, if one is deemed necessary.

No. MC 119702 (Sub-No. 15), filed February 5, 1965. Applicant: STAHL CARTAGE CO., a corporation, 130-A Hillsboro Avenue, Edwardsville, Ill. Applicant's attorney: Mack Stephenson, 42 Fox Mill Lane, Springfield, Ill., 62707. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, fertilizer and fertilizer solutions, and acids*, in bulk, in tank vehicles, from East Dubuque, Ill., and points in Illinois within ten (10) miles thereof, to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., St. Louis, Mo., or at the place where other similar applications will be set for hearing.

No. MC 123393 (Sub-No. 49), filed February 10, 1965. Applicant: BILYEU REFRIGERATED TRANSPORT CORPORATION, 1914 East Blaine Street, Springfield, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jefferson City, Mo. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in Sections A and C, of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Garden City, Kans., and points within 10 miles thereof, to points in Missouri, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, Michigan, Arkansas, Indiana, Ohio, Kentucky, Tennessee, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Florida,

Mississippi, Louisiana, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, the District of Columbia, California, Washington, Oregon, Illinois, and Pennsylvania, and exempt commodities, on return.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124813 (Sub-No. 19), filed February 16, 1965. Applicant: UTHUN TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk and in bags, from the plant site of Linwood Stone Products Co., Inc., at or near Davenport, Iowa, to points in Nebraska and South Dakota.

NOTE: Applicant is also authorized to conduct operations as a contract carrier in Permit No. MC 118463 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 126216 (Sub-No. 2), filed February 1, 1965. Applicant: GLENN PYLES, doing business as PYLES TRUCKING CO., Deer Creek, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. Authority sought to operate as a contract carrier, by motor vehicle over irregular routes, transporting: *Equipment and parts, for handling fertilizer and fertilizer materials*, such as applicator frames, valves, piping, compressors, pipe fittings, hose, motors, pumps and tires; *skid tanks, fittings and parts thereof*; *trailers with or without tanks, and parts thereof*; and *tanks and parts thereof*, between the plant site of the Schrock Division of the Toluma Gas Products Co., located at Congerville, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126852 (CLARIFICATION), filed December 28, 1964, published *Federal Register* issue of January 20, 1965, clarified February 16, 1965, and republished, as clarified, this issue. Applicant: HERBERT WHITWORTH, doing business as HERB WHITWORTH EXPRESS & MOVING, 6515 Manchester Avenue, St. Louis, Mo., 63139. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Uncrated new household furniture, household furnishings, household appliances and pianos*, from St. Louis, Mo. and points in St. Louis County, Mo., to points in Illinois south of a line beginning at the Mississippi River and extending along U.S. Highway 34 to junction Illinois Highway 116, thence along Illinois Highway 116 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Indiana State line, and used, damaged and rejected household

furnishings, household furniture, household appliances and pianos, on return.

Note: Applicant states the above described commodities will be assembled and set into place, not installed or connected. The purpose of this republication is to clearly set forth the proposed operations. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 126913, filed January 25, 1965. Applicant: MARION COONER, 2323 Walnut Street, Jacksonville, Fla. Applicant's attorney: Richard B. Austin, 616 Atlantic National Bank Building, Jacksonville, Fla., 32202. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Bananas, from the ports of Tampa, Miami and Jacksonville, Fla.; New Orleans, La.; Galveston, Tex.; Charleston, S.C.; and Gulfport, Miss., to Tampa, Miami, Jacksonville, Orlando and Sanford, Fla.; Raleigh, Asheville and Charlotte, N.C.; Greenville and Columbia, S.C.; Montgomery, Birmingham and Gadsden, Ala.; Atlanta, Vidalia, Valdosta, Savannah, Thomasville and Columbus, Ga.; New Orleans, La.; Galveston, Tex.; Detroit, Mich.; Richmond and Norfolk, Va.; Columbus and Cincinnati, Ohio; Nashville, Knoxville, Memphis and Johnson City, Tenn.; and Bluefield and Huntington, W. Va.

Note: If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 126968, filed February 11, 1965. Applicant: CLAUDE HARPSTER, Jr., Rural Route 1, Valley Center, Kans. Applicant's attorney: James P. Miller, 7501 Mission Road (N13), Shawnee Mission, Kans. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wrecked, disabled, damaged or repossessed motor vehicles and replacement vehicles and parts therefor, between points in Sedgwick, Reno, Harvey, McPherson, Sumner, Harper, Butler, Cowley, Rice, Marion, Kingman, Chase, and Greenwood Counties, Kans., on the one hand, and, on the other, points in Colorado, Nebraska, Missouri, Arkansas, and Oklahoma.

Note: If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans.

MOTOR CARRIERS OF PASSENGERS

No. MC 125115 (Sub-No. 2), filed January 5, 1965. Applicant: LOUIS ROSENBAUM, doing business as EL PASO-LOS ANGELES LIMOUSINE EXPRESS, Post Office Box 1183, El Paso, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth, Tex., 76102. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: Passengers and their baggage in limousine service, between El Paso, Tex., and Los Angeles, Calif., from El Paso over Interstate Highway 10 to Las Cruces, N. Mex., thence over U.S. Highway 80 through Lordsburg, N. Mex., to the New Mexico-Arizona State line, thence over Arizona Highway 86 to Benson, Ariz., thence over U.S. Highway 80 to Tucson, Ariz., thence over Arizona

Highway 84 to Gila Bend, Ariz., thence over U.S. Highway 80 through Yuma, Ariz., to junction California Highway 98, thence over California Highway 98 to Calexico, Calif., thence over California Highway 86 (formerly U.S. Highway 99) to Indio, Calif., thence over Interstate Highway 10 to Los Angeles, and return over the same route serving no intermediate points.

Note: If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex.

APPLICATION FOR BROKERAGE LICENSES

No. MC 12925, filed October 19, 1964. Applicant: ROBERT S. SMOLICH, INC., 1713 Indiana NE, Albuquerque, N. Mex. Applicant's attorney: Jerry P. Rhodes, Suite 619 Simms Building, Albuquerque, N. Mex., 87101. For a license (BMC 5) to engage in operations as a broker at Albuquerque, N. Mex., in arranging for the transportation in interstate or foreign commerce, by motor vehicle, of passengers and their baggage, both as individuals and groups, in charter operations, beginning and ending at Albuquerque, N. Mex., and extending to points in the United States, including the ports of entry located on the international boundary lines between the United States and Canada, and between the United States and Mexico.

Note: This application was accompanied by a Motion to Dismiss.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 106163 (Sub-No. 19), filed February 15, 1965. Applicant: RED LINE TRANSFER AND STORAGE COMPANY, INC., 2600 West Sixth Avenue, Pine Bluff, Ark. Applicant's attorney: Louis Tarlowski, Pyramid Life Building, Little Rock, Ark. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Pine Bluff, Ark., and the Arkansas-Louisiana State line, over U.S. Highway 65, serving all intermediate points; (2) between Lake Village, Ark. (junction U.S. Highways 65 and 82), and Greenville, Miss., over U.S. Highway 82, serving all intermediate points; (3) between McGehee, Ark., and West Crossett, Ark.; from McGehee over U.S. Highway 65 to junction U.S. Highway 165, thence over U.S. Highway 165 to junction U.S. Highway 82, thence over U.S. Highway 82 to West Crossett, and return over the same route, serving all intermediate points; (4) between Pine Bluff, Ark., and West Crossett, Ark.; from Pine Bluff over U.S. Highway 65 to junction Arkansas Highway 81, thence over Arkansas Highway 81 to junction U.S. Highway 82, thence over U.S. Highway 82 to West Crossett, and return over the same route, serving all intermediate points; and (5) between Pine Bluff, Ark., and Warren, Ark., over Arkansas Highway 15, serving all intermediate points.

Note: Applicant states that the above proposed routes will be tacked with each other

and with its presently authorized routes, subject to all restrictions contained in its present Certificate. This application is filed pursuant to MC-C-4366, effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 106599 (Sub-No. 4), filed February 4, 1965. Applicant: MARTIN TRUCK LINE, INC., 74-76 South James Street, Kansas City, Kans. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington, D.C., 20036. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: General commodities, (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Kansas City, Kans., and Joplin, Mo.: from Kansas City over city streets to Kansas City, Mo., thence over U.S. Highway 71 to Joplin, and return over the same route, serving the intermediate points of Carthage and Kansas City, Mo., and the off-route points of Webb City, Carl Junction and Carterville, Mo.; (2) between Kansas City, Kans., and Springfield, Mo.: from Kansas City over city streets to Kansas City, Mo., thence over U.S. Highway 71 to junction U.S. Highway 54 at or near Nevada, Mo., thence over U.S. Highway 54 to junction Missouri Highway 32, thence over Missouri Highway 32 to junction Missouri Highway 13, and thence over Missouri Highway 13 to Springfield, and return over the same route, serving the intermediate points of Stockton and Kansas City, Mo., and the off-route point of El Dorado Springs, Mo.; (3) between Joplin, Mo., and Springfield, Mo.: from Joplin over U.S. Highway 66 to Springfield, and return over the same route, serving no intermediate or off-route points, restricted to shipments moving from or to Kansas City, Mo.-Kans.; (4) between Kansas City, Kans., and Joplin, Mo.: from Kansas City, over city streets to Kansas City, Mo., thence over U.S. Highway 71 to junction Missouri Highway 150, thence over Missouri Highway 150 to the Missouri-Kansas State line, thence over Kansas Highway 150 to junction U.S. Highway 69, thence over U.S. Highway 69 to junction Kansas Highway 96, thence over Kansas Highway 96 to the Kansas-Missouri State line, thence over Missouri Highway 96 to junction Missouri Highway 171, thence over Missouri Highway 171 to junction Missouri Highway 43, thence over Missouri Highway 43 to Joplin, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only; and (5) between Kansas City, Kans., and Springfield, Mo.: from Kansas City over city streets to Kansas City, Mo., thence over U.S. Highway 71 to junction Missouri Highway 7 at or near Harrisonville, Mo., thence over Missouri Highway 7 to junction Missouri Highway 13, thence over Missouri Highway 13 to Springfield, and return over the same

route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states "as a condition to the grant of the above requested authority applicant agrees to accept a restriction upon its presently held authority to transport general commodities, over irregular routes, as set forth in Certificate No. MC 106599, as follows: Restriction: Restricted against service between all points served on applicant's authorized regular routes, between Kansas City, Mo.-Kans., and commercial zone, on the one hand, and, on the other, Springfield and Joplin, Mo." This application is filed pursuant to MC-C 4366 effective May 1, 1964, which provides the special rules for conversion of irregular route to regular motor carrier operations.

SPECIAL NOTE: Protests to this application may be filed within 45 days instead of 30 days.

No. MC 115331 (Sub-No. 99), filed February 11, 1965. Applicant: **TRUCK TRANSPORT, INCORPORATED**, 707 Market Street, St. Louis, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast, and blends and derivatives thereof, liquid, from points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Mississippi, Oklahoma, Tennessee, and Wisconsin to Bonne Terre, Mo.*

No. MC 115504 (Sub-No. 24) (CLARIFICATION), filed January 19, 1965, published **FEDERAL REGISTER**, issue of February 10, 1965, and republished as clarified this issue. Applicant: **KENISON TRUCKING, INC.**, Post Office Box 324, 1975 South 1045 West, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel products, including fabricated iron and steel products* (except those used for telephone and powerline construction), from Geneva, Utah to Salt Lake City, Utah, and points in New Mexico, and (2) *fabricated iron and steel products* (except those used for telephone and powerline construction), from Salt Lake City, Utah to points in New Mexico.

NOTE: The purpose of this republication is to more clearly set forth the authority sought. Applicant is also authorized to conduct operations as a *common carrier* in Certificate MC 119848, therefore, dual operations may be involved.

No. MC 117389 (Sub-No. 3), filed February 11, 1965. Applicant: **PATRICK J. FITZGERALD, JAMES FITZGERALD, THOMAS M. FITZGERALD, JR., DONALD J. FITZGERALD, CATHERINE B. FITZGERALD, ANNA MARGARET PROUT, AND JOAN BECKERICH**, a partnership, doing business as **THE FITZGERALD COMPANY**, 214 East St. Clair Street, Indianapolis, Ind. Applicant's attorney: Thomas F. Quinn, Suite 715-716 First Federal Building, Indianapolis, Ind., 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, from Milwaukee, Wis. to Indianapolis, Ind.

No. MC 125215 (Sub-No. 3), filed February 10, 1965. Applicant: **RENTSCHLER GRAIN CO., INC.**, Rural Route No. 6, Rochester, Ind. Applicant's attorney: Warren C. Moberly, 1212 Fletcher Trust Building, Indianapolis, Ind. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and ammoniating solutions*, from the plant site of Southern Nitrogen Co., Inc., located at or near Fulton, Ind. to points in Illinois, Michigan, and Ohio.

By the Commission.

[SEAL]

BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-2192; Filed, Mar. 2, 1965; 8:48 a.m.]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

FEBRUARY 26, 1965.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the **FEDERAL REGISTER**, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 15614, filed February 18, 1965. Applicant: **SERVICE EXPRESS, INC.**, 2509 27th Street, Tuscaloosa, Ala. Applicant's attorneys: J. Douglas Harris and James M. Wright, Box 142, Montgomery, Ala. Certificate of public convenience and necessity sought to operate as a freight service as follows: Transportation of *general commodities*, between all points within a radius of 75 miles of Tuscaloosa, Ala., restricted against transportation of commodities in bulk in tank vehicles.

HEARING: Date, time, and place of hearing, not specified.

Requests for procedural information including the time for filing protests, concerning this application should be addressed to Mr. Orville P. Large, Secretary, Alabama Public Service Commission, Post Office Box 991, Montgomery, Ala., and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL]

BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-2193; Filed, Mar. 2, 1965; 8:48 a.m.]

[Notice 1131-A]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MARCH 1, 1965.

Applications under sections 5 and 210a (b); The following applications are governed by the Interstate Commerce Com-

mission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-9031. (**HOME TRANSPORTATION CO., INC.—PURCHASE (PORTION)—LOWTHER TRUCKING CO.**), published in the February 25, 1965 issue of the **FEDERAL REGISTER** on page 2493. Application filed February 23, 1965, for temporary authority under section 210a(b).

[SEAL]

BERTHA F. ARMES,
Acting Secretary.

[F.R. Doc. 65-2261; Filed, Mar. 2, 1965; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS IN RETAIL OR SERVICE ESTABLISHMENTS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 579 (28 F.R. 11524), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. The effective and expiration dates are as indicated below. Pursuant to § 519.6(b) of the regulation, the minimum certificate rates are not less than 85 percent of the minimum applicable under section 6 of the act.

The following certificates were issued pursuant to paragraphs (c) and (g) of § 519.6 of 29 CFR Part 519, providing for an allowance not to exceed the proportion of the total number of hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period, or 10 percent, whichever is less, in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base period.

Central Park Super Market, food store, 5728 Avenue O, Birmingham, Ala. (2-18-63 to 2-17-66).

S. S. Kresge Co., variety stores: No. 14 Wheaton, Md. (2-10-65 to 2-9-66); No. 500, Detroit, Mich. (1-8-65 to 1-7-66).

Morgan & Lindsey, Inc., variety stores: No. 3024, Amite, La. (1-22-65 to 1-21-66); No. 3004, DeRidder, La. (1-22-65 to 1-21-66); No. 3021, Hammond, La. (1-22-65 to 1-21-66).

The Peoples Store of Roseland, department store; 11201 Michigan Avenue, Chicago, Ill. (2-17-65 to 2-16-66).

The following certificates were issued to establishments coming into existence

after May 1, 1960, under paragraphs (c), (d), (g), and (h) of § 519.6 of 29 CFR Part 519. The certificates permit the employment of full-time students at rates of not less than 85 percent of the minimum applicable under section 6 of the act in the classes of occupations listed, and provide for limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees. The percentage limitations vary from month to month between the minimum and maximum figures indicated.

Ackemann Brothers, Inc., department store; 166 East Highland Avenue, Elgin, Ill.; sales, office work, stock marking, receiving, wrapping, maintenance, addressograph; between 2.2 percent and 8.5 percent; 2-16-65 to 2-15-66.

Charles Stores Co., Inc., department store; 607 State Street, Bristol, Va.; sales clerk, stock clerk; between 3.0 percent and 10 percent; 1-27-65 to 1-26-66.

Dixon's Super Duper, food store; 136 Maple Avenue, Claremont, N.H.; carry-out boys; between 7.8 percent and 10 percent; 1-8-65 to 1-7-66.

O. K. Fairbanks Corp., food stores for the occupations of baggers, carry-out boys; 84 Marlboro Street, Keene, N.H. (10 percent for

each month, 2-9-65 to 2-8-66); 480 West Street, Keene, N.H. (10 percent for each month, 2-9-65 to 2-8-66).

W. T. Grant Co., variety store; No. 412, Ballwin, Mo.; sales clerk, office clerk, stock clerk; between 4.7 percent and 7.2 percent; 2-1-65 to 4-30-65.

W. T. Grant Co., variety store; No. 632, Kansas City, Mo.; sales clerk, office clerk, stock clerk, cashier; between 5.9 percent and 8.6 percent; 2-1-65 to 4-30-65.

K-Mart, variety store; No. 4015, Port Huron, Mich.; sales clerk; between 9.5 percent and 10 percent; 1-8-65 to 1-7-66.

Morgan & Lindsey, Inc., variety stores for the occupations of stock, saleslady, clerk; No. 3067, Metairie, La. (between 6.0 percent and 10 percent, 2-12-65 to 2-11-66); No. 3119, West Monroe, La. (between 2.8 percent and 10 percent, 2-12-65 to 2-11-66); No. 3115, Angleton, Tex. (between 4.3 percent and 10 percent, 2-12-65 to 2-11-66).

G. C. Murphy Co., variety stores for the occupations of sales, clerical, stockkeeping, janitorial; No. 303, Allquippa, Pa. (between 3.3 percent and 10 percent, 2-25-65 to 2-24-66); No. 94, York, Pa. (between 5.1 percent and 10 percent, 2-25-65 to 2-24-66).

J. J. Newberry Co., variety store; 37 Whitehall Street South West, Atlanta, Ga.; sales clerk, stock clerk; between 0.3 percent and 5.0 percent; 1-8-65 to 1-7-66.

Wingert's, Inc., food store; 1980 Auburn Road, Pontiac, Mich.; carry-out boys, stock-

ing; 10 percent for each month; 2-10-65 to 2-9-66.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not tend to displace full-time employees. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 19th day of February 1965.

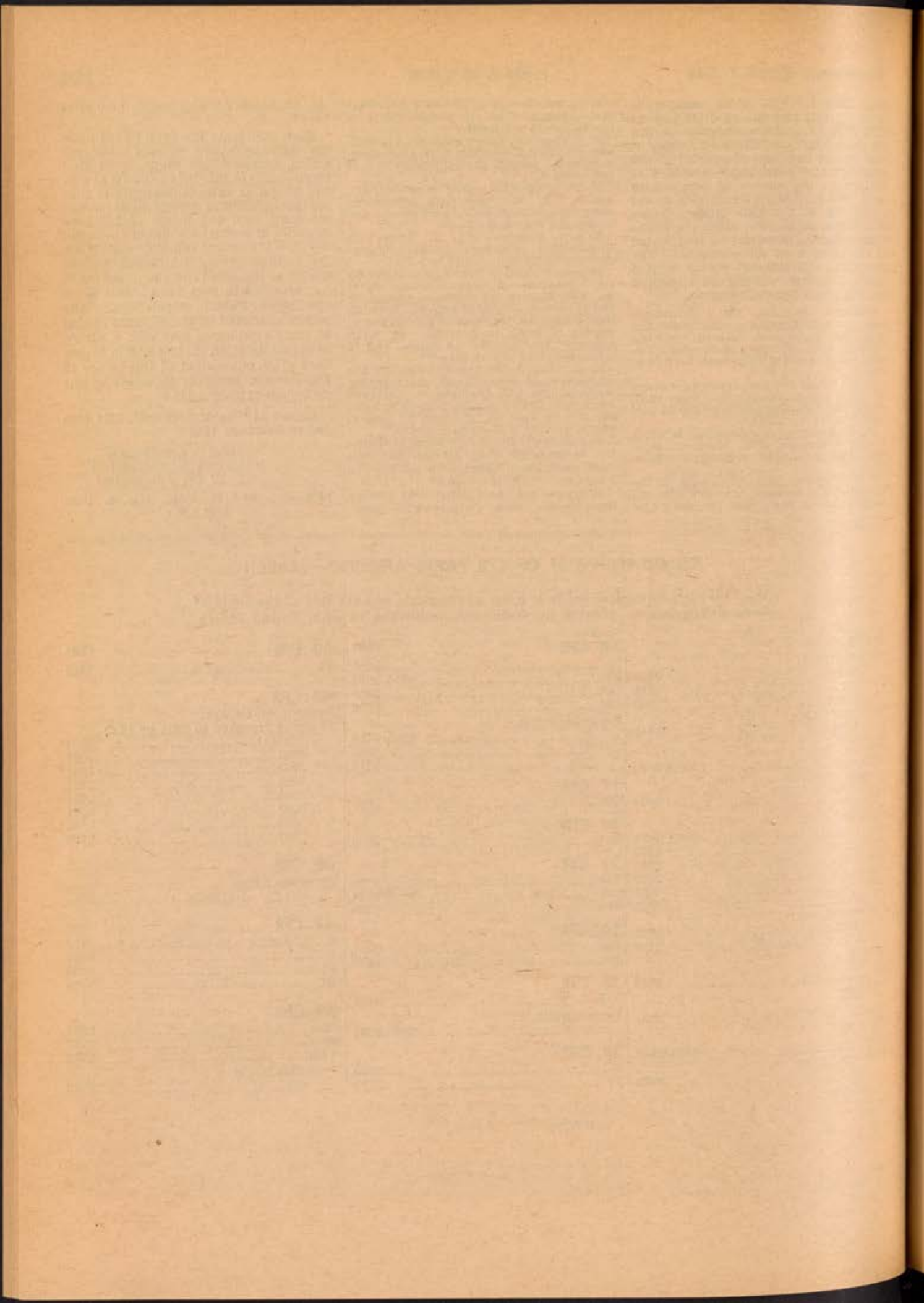
ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

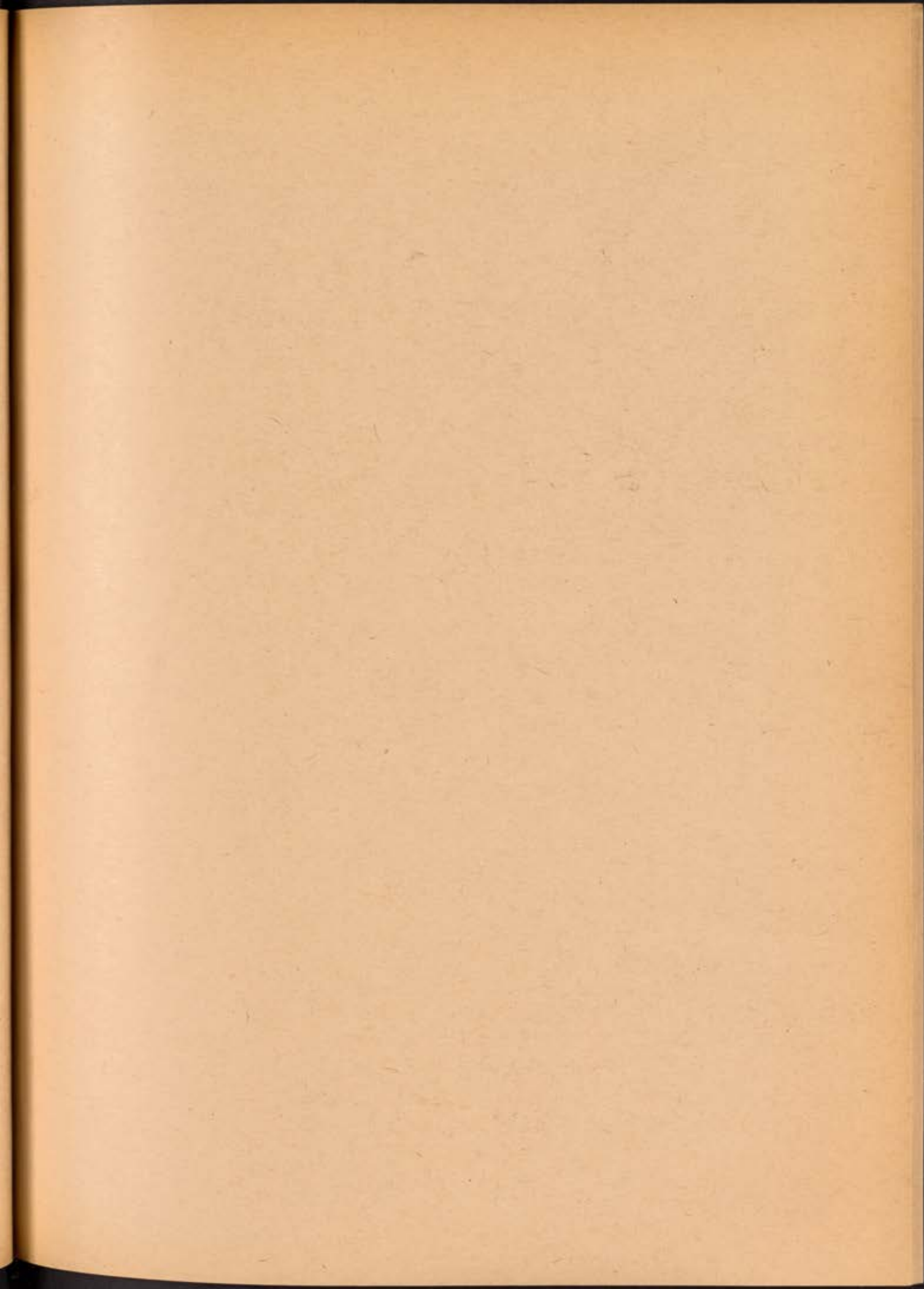
[P.R. Doc. 65-2170; Filed, Mar. 2, 1965; 8:46 a.m.]

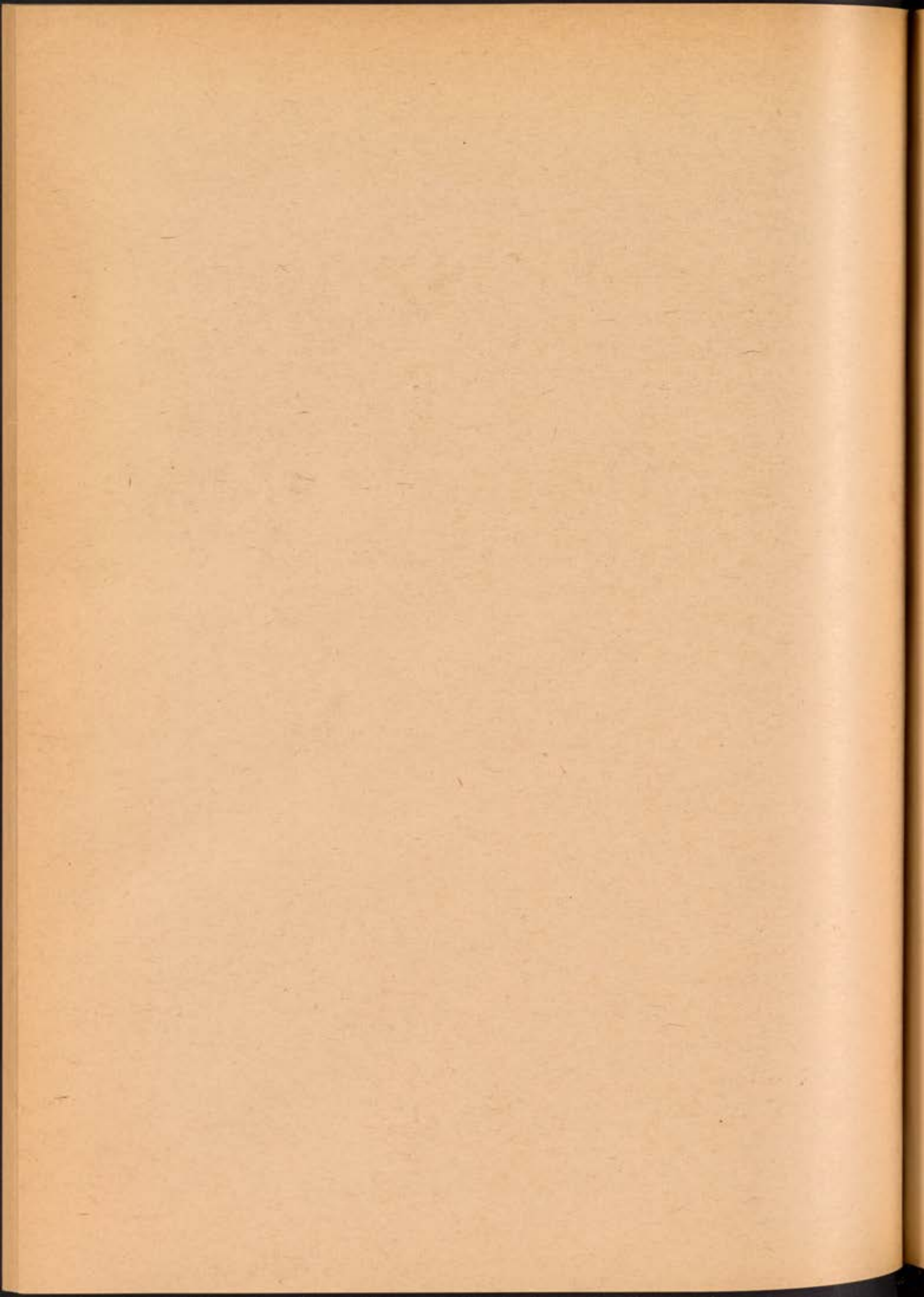
CUMULATIVE LIST OF CFR PARTS AFFECTED—MARCH

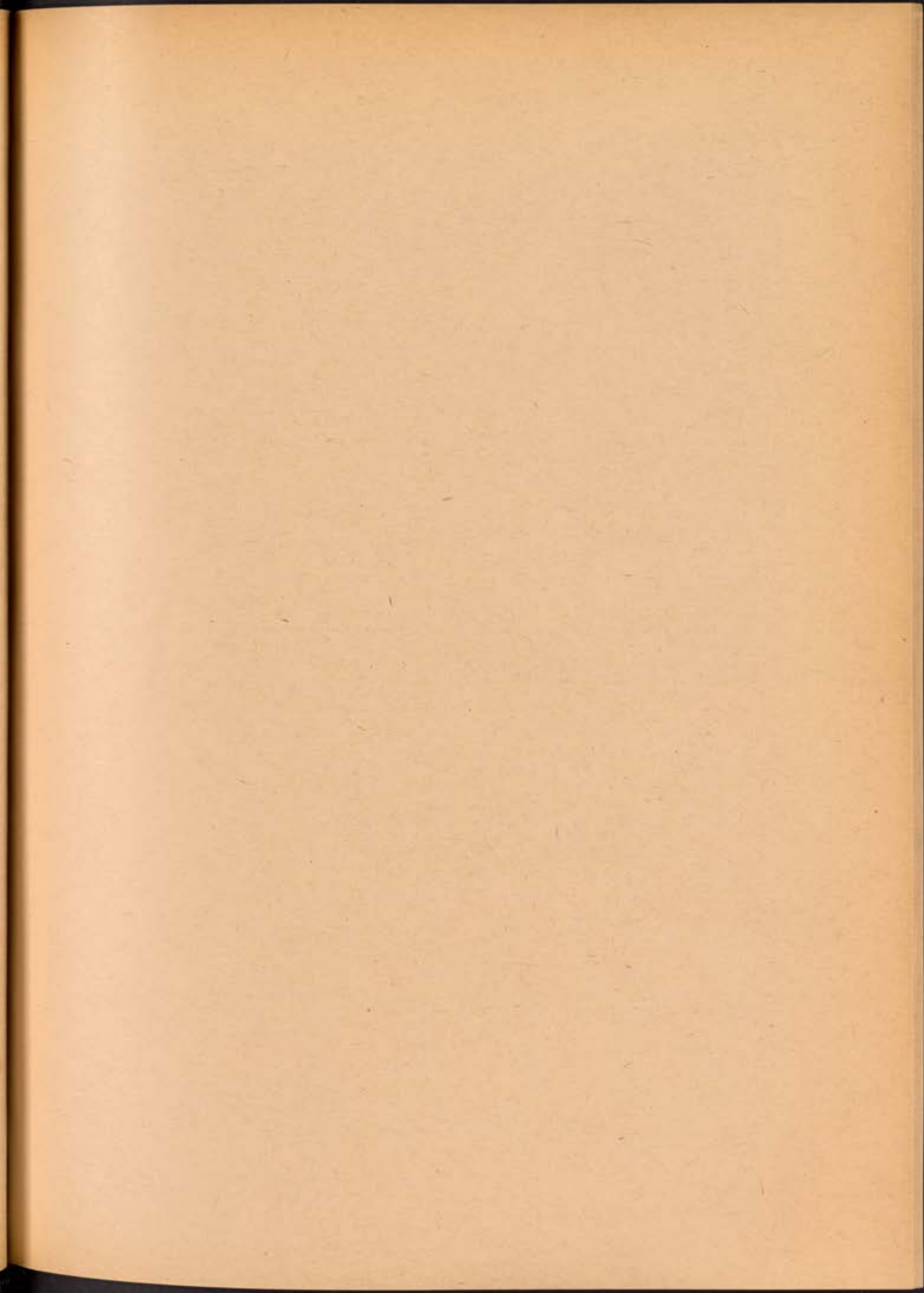
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